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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 4236/2025**

SMT. PURNI DEVI

.....Petitioner

Through: Mr. Gautam Das, Advocate with Mr.
Awadesh Kumar Pandey and Ms.
Khushi Chopra, Advocates.

versus

STATE OF BIHAR & ANR.

.....Respondents

Through: Mr. Manoj Pant, APP for State.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

% **07.11.2025**

CRL.M.A. 32783/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. By way of the present application, the applicant is seeking grant of transit anticipatory bail in case arising out of FIR bearing no. 168/2025, registered at Police Station Sajour, District Bhagalpur, Bihar, for the commission of offences punishable under Sections 126(2)/115(2)/352/351(3)/118(1)/109/74/303(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS').
4. Briefly stated, the facts of the case are that a complaint was lodged by the complainant Smt. Meera Tiwari, wherein it was alleged that on 10.10.2025, at about 5:00 PM, while she was cooking food at her residence



in Village Gobrain, P.S. Sajour, District Bhagalpur, Bihar, a black polythene bag had accidentally flown into the adjoining courtyard of one Shri Jai Prakash Tiwari @ Babulal Tiwari. It is alleged that his wife, Smt. Purni Devi i.e. applicant herein, had started abusing the complainant in filthy language, whereupon the complainant's mother-in-law, Smt. Putul Tiwari, had intervened and asked her not to use abusive language. It is further alleged that thereafter, accused Jai Prakash Tiwari @ Babulal Tiwari, armed with an iron rod, had attacked the complainant's father-in-law with the intention to kill him, causing grievous injuries on his head, and had also struck the mother-in-law, resulting in bleeding injuries. When the complainant had tried to intervene and stop the quarrel, the present applicant, Smt. Purni Devi, had allegedly attacked her with a stick (*lathi*) and had hit her on the head, causing bleeding injuries. During the scuffle, it had also been alleged that a gold chain had been snatched from the complainant's neck and that threats to life had been extended. It was further alleged that accused Jai Prakash Tiwari had, on an earlier occasion as well, attacked the complainant's father-in-law with a '*hasuli*' (iron neck ornament used as a weapon), and that such acts of assault and intimidation had been repeatedly committed by both the accused persons. On these allegations, the present FIR was registered.

5. The learned counsel appearing for the applicant submits that the applicant is seeking grant of transit anticipatory bail to enable her to approach the competent court in Bihar, as she is presently residing at her relative's house in West Delhi owing to imminent threats to her life and liberty from the complainant and her associates. It is contended that the applicant has been falsely implicated as accused no. 2 in the FIR, which is



based on a malicious and fabricated complaint arising out of a family dispute, with no specific allegation or evidence directly connecting her to the alleged offences. It is argued that due to continuous threats of physical assault and intimidation from the complainant's side, who, along with local aides, had been searching for the applicant at her village residence with alleged police connivance, she had fled from Bihar and come to Delhi on 24.10.2025. It is also submitted that accused no. 1, her husband, Jai Prakash Tiwari @ Babulal Tiwari, has already been arrested by Bhagalpur Police, and the applicant now apprehends her own imminent arrest, as the Investigating Officer may seek the assistance of the local Delhi Police to detain her, leading to possible custodial harassment and public humiliation.

6. The learned APP for the State, on the other hand, has opposed the grant of transit bail and states that the applicant herein has herself fled from the State of Bihar, where she was wanted in connection with the present FIR, and therefore, she cannot seek transit bail before this Court, for the purpose of filing of anticipatory bail application before the concerned Court in Bihar. It is also stated that there are specific allegations against the applicant and therefore, it is prayed that the bail application be dismissed.

7. This Court has **heard** arguments addressed on behalf of the applicant as well as the State and has perused the material available on record.

8. In the present case, this Court notes that it is the own case of the applicant, averred in the bail application as well as presented by the learned counsel during arguments, that the applicant, who is wanted in FIR No. 168/2025 registered at P.S. Sajour, District Bhagalpur, Bihar, had fled from Bihar and come to Delhi, where her daughters/relatives are residing. It is also an admitted position that her husband, accused Jai Prakash Tiwari @



Babulal Tiwari, already stands arrested and is in judicial custody in connection with the said FIR.

9. The learned counsel for the applicant has submitted that, being a woman apprehending arrest by the Bihar Police, she had left Bihar and sought refuge in Delhi, and now prays for the grant of transit anticipatory bail to enable her to approach the competent court in Bihar for regular anticipatory bail.

10. This Court, however, is of the considered opinion that the applicant was fully aware of the registration of the FIR against her in the State of Bihar, where she is a permanent resident and where the alleged incident had taken place on 10.10.2025. The applicant's own explanation that she came to Delhi to evade arrest by the Bihar Police indicates that she had absconded from the jurisdiction of the court competent to deal with her bail application. The very ground of apprehension of arrest, which she now urges before this Court, existed at the time she left Bihar, and thus, she could and ought to have approached the competent Sessions Court or High Court within that jurisdiction for appropriate relief. Merely fleeing from the State where the FIR stands registered, and thereafter seeking protection from another State, cannot confer jurisdiction or constitute a valid basis for the grant of transit anticipatory bail.

11. In this regard, the Hon'ble Supreme Court, in *Priya Indoria v. State of Karnataka & Ors.*: (2024) 4 SCC 749, has held as under:

“...We're conscious that this may also lead the accused to choose the court of his choice for seeking anticipatory bail. **Forum shopping may become the order of the day as the accused would choose the most convenient court.** This would also make the concept of territorial jurisdiction which is of importance under CrPC pale into insignificance. **Therefore, in order to prevent the abuse process of a**



court by the accused, it is necessary for court to ascertain the territorial connection/proximity between accused and the territorial jurisdiction of court which is approached for such a relief. Such a link with territorial jurisdiction could be by way of place of residence or occupation, work or profession. By this, we imply that the accused cannot travel to another state only to seek anticipatory bail. There must be reasons to believe or an imminent apprehension of arrest for non bailable offence.”

12. In the present case, *to reiterate*, it is a conceded fact that the applicant had fled to Delhi from Bihar after the registration of the FIR. In her bail application, she has stated that she is residing at the house of a “relative,” whereas during oral arguments, it was stated that she is staying with her daughter. However, no document or material has been placed on record to establish with whom she is residing or to demonstrate any genuine territorial link with Delhi. Likewise, no material has been produced to substantiate her claim of any immediate or specific threat to life or liberty in Delhi that would justify invoking this Court’s jurisdiction for grant of transit bail.

13. In view of the above discussion, this Court finds no ground to grant transit anticipatory bail to the applicant, who, being a resident of Bihar and aware of the FIR registered against her in that State, has admittedly fled its jurisdiction to evade arrest.

14. The relief sought is accordingly declined, and the application for grant of transit anticipatory bail stands dismissed.

15. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

16. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

NOVEMBER 07, 2025/vc/zp