

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9682 of 2026

Arising Out of PS. Case No.-36 Year-2025 Thana- DEODHA District- Madhubani

Babita Devi @ Babita Kumari, W/O Late Arjun Mahto @ Arjun Kumar, R/o
Vill.- Gangaur, P.S.- Harlakhi, Distt.- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 24-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner apprehends his arrest in connection with
Dewdha P.S. Case No. 36 of 2025, G.R. No.917 of 2025
registered for the offences under Sections 137(2), 87 and 3(5) of
the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution case, the allegation against
the petitioner is that she happens to be the mother of one
Ashutosh Kumar, who has eloped with the daughter of the
informant and the petitioner had abused the informant and did
not disclose the whereabouts of her son.

4. Learned counsel for the petitioner submits that
from a bare reading of the FIR, it would be evident that there is
no allegation against the petitioner rather the allegation is
primarily about enticing away the daughter of the informant by



Ashutosh Kumar, who happens to be the son of the petitioner. It has further been submitted that no offence as alleged in the FIR is made out against the petitioner and the victim was subsequently recovered and in her statement before the police, she has admitted that she had gone out, of her own sweet will, along with the petitioner's son and they had also solemnized marriage in a temple. It has lastly been submitted that the petitioner has clean antecedent.

5. Learned APP for the State has opposed the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Dewdha P.S. Case No. 36 of 2025, G.R. No.917 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close



relative.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for anticipatory bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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