

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11311 of 2026

Arising Out of PS. Case No.-940 Year-2025 Thana- MOTIHARI TOWN District- East
Champaran

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Anu devi Wife of Late Gopal Srivastawa @ Gopal Prasad Resident of village
- Rajabazar West Gopalpur, Ward No. 33, Ps- Motihari town, Dist- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 01-04-2026 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is apprehending her arrest in
connection with Town Motihari P.S. Case No.940 of 2025,
registered for the offence punishable under Sections 318(4),
338, 336(3), 61(2) of the Bharatiya Nyaya Sanhita.

3. As per the FIR, the informant reported that the
petitioner submitted an affidavit claiming her son to be a
juvenile and relied on a transfer certificate showing his date of
birth as 22.07.2008. Upon verification, the Headmaster of
Government Middle School, Lalbegiya produced the
enrollment register and confirmed that no such student was
ever enrolled and the certificate details did not match official
records.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner is the mother of Harsit Srivastava, an accused in Town Motihari P.S. Case No. 306 of 2024, and it is the case of the petitioner that the certificate which was produced before the Council for claiming juvenility was kept in the file of her son, Harsit Srivastava. The petitioner has only produced a photocopy of the transfer certificate purportedly issued by Government Middle School, Lalbegiya. It is submitted that there was no intention on the part of the petitioner to commit any forgery or to use a forged document as genuine. It is further submitted that the Headmaster of the said school appeared before the Council and produced the enrollment register (2019-21), wherein it was revealed that no student by such name was ever enrolled in the said school. It is further submitted that the petitioner is an illiterate widow lady and had no knowledge about the genuineness of the said document. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. On the other hand, the learned APP for the State has opposed the prayer for bail of the petitioner.

6. Taking into account that the petitioner is an illiterate widow lady and had no knowledge about the



genuineness of the document in question, let the above named petitioner, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran/ Successor Court in connection with Town Motihari P.S. Case No.940 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:

(i) One of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/ personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any



criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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