

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13921 of 2026

Arising Out of PS. Case No.-739 Year-2025 Thana- MANER District- Patna

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BABITA DEVI W/O Sri Sushil Ray @ Soshil Kumar @ Susil Ray @ Sushil
Kumar R/o vill - Khaspur Math, P.S.- Maner, Distt.- Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Kant Kumar, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 29-04-2026 Heard the parties.

2. The petitioner is apprehending her arrest in connection with Maner P.S. Case No. 739 of 2025 for the offence under sections 103(2) and 303(2) of the BNS lodged on 05.10.2025 by the informant, Budhiya Devi.

3. As per the prosecution story, the lady informant alleged that there was a dispute with the agnates and on the fateful day, she went for the work. Upon return, found her son to be in unconscious state, took him to the hospital but was declared dead. Accordingly, the FIR against the named accused.

4. Learned counsel for the petitioner submits that the deceased was in the habit of consuming smack, a fact which has also been taken note of by the Police, he died natural death and/or may have a fall due to consummation of smack but due to earlier dispute, entire family members have been named.

5. He further submits that this petitioner is a lady and



had recently undergone operation and was advised by the Doctor not to move and as such, incorporating her name in the FIR clearly show *mala fide* intention.

6. In this case, the Coordinate Bench had called for the case diary and *postmortem* report which is/are available and paragraph-41 of the case diary records the statement of the independent witness which supports the submission put forward by the learned counsel for the petitioner that this petitioner has recently undergone operation and was advised not to move.

7. Learned APP opposes the prayer submitting that the dispute was there and though the consummation of smack is there in the case diary, assault theory has also not been ruled out in the *postmortem* report.

8. Taking into account the submissions of the parties as also the fact that the petitioner is a lady, no specific role assigned to her and has clean antecedent, in that background, this Court is inclined to extend her the privilege of anticipatory bail with conditions.

9. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned JMFC at Danapur, Patna in connection with Maner P.S.



Case No. 739 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhaar Card/Voter ID Card/Pan Card/Driving License) to show his/her bona fide;

(ii) the petitioner 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 her bail bond by the Trial Court itself;

(iii) the petitioner shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iv) the petitioner 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;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

(Rajiv Roy, J)

Adnan/-

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