

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18901 of 2026

Arising Out of PS. Case No.-444 Year-2025 Thana- MAIRWAN District- Siwan

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1. Roshan Kumar S/O Late Dewnath Chauhan Resident of vill- Badauli PS- Mairwa Dist- Siwan
 2. Sabita Devi D/O Late Dewnath Chauhan, wife of Tun Tun Mahto, R/o Dhavi Chapra, P.S. Barhariya, Distt. Siwan,
Both are Resident of vill- Badauli PS- Mairwa Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 06-04-2026 1. Learned counsel for the petitioners, after some argument, seeks permission to withdraw the anticipatory bail application with respect to petitioner no. 1, namely, Roshan Kumar.
2. Permission is accorded.
3. Accordingly, the anticipatory bail application with respect to petitioner no. 1 is dismissed as withdrawn.
4. Heard learned counsel for the petitioner no. 2, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
5. The petitioner no. 2 apprehends her arrest in a case registered for the offences punishable under Sections 103(1) and 3(5) of the BNS, 2023.



6. Learned counsel for the petitioner no. 2 submits that petitioner no. 2 has antecedent of one case and is a woman and the informant alleges that on 31.10.2025, at 01:20 p.m., accused persons including the petitioner no. 2 came and assaulted her husband brutally causing injury leading to his death.

7. Learned counsel for the petitioner no. 2 submits that petitioner no. 2 has been falsely implicated in the instant case by the informant. It is further submitted that petitioner is own sister of the deceased. It is next submitted that petitioner no. 2, in the complaint based on which the FIR has been instituted, was implicated as an accused by her father's name but then petitioner no. 2 is a married woman and has been married to Tun Tun Mahto and is residing at her matrimonial home. It is also submitted that there was a dispute relating to property in the family and the petitioner no. 2 sided with her other brothers, who are also accused in the instant case, as such, the informant, who is *bhabhi* of the petitioner no. 2, with a view to coerce the entire family into submission even implicated the petitioner no. 2 with general and omnibus allegation without disclosing that she is a married woman. It is further submitted that inadvertently while describing the petitioner no. 2, in the cause title, the name of the husband could not be pleaded, thus, seeks permission to rectify the description of the petitioner no. 2 in course of the day.



8. Permission is accorded.

9. Learned Additional Public Prosecutor for the State and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioner no. 2 but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioner no. 2 that no specific allegation of assault is alleged against the petitioner no. 2.

10. After hearing the learned counsel for the parties and also taking into consideration the fact that petitioner no. 2 is a woman and sister of the deceased and is a married woman, let the petitioner no. 2, above-named, in the event of her arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/Successor Court in connection with Mairwa P.S. Case No. 444 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

(Satyavrat Verma, J)

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