

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26895 of 2026

Arising Out of PS. Case No.-144 Year-2023 Thana- JOGBANI District- Araria

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1. Mehrun Nisha @ Mairun Nisha W/O Murtaza Resident of Village- Amauna, P.S- Jogbani, District- Araria.
 2. Murtaza @ Md. Murtaza S/O Md. Amsul Resident of Village- Amauna, P.S- Jogbani, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gopichand Yadav S/O Late Mahantu Yadav R/O Village- Kursakata, Hatta Bakhri Ward No. 10, P.S- Kursakata, Distt.- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anamul Haque, Advocate
For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-04-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners who apprehend arrest in connection with Jogbani P.S. Case No. 144 of 2023 lodged on 06.06.2023, for the offences punishable under sections 328, 384, 307, 420, 120B, 272, 273, 34 of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, the F.I.R. has been lodged against two named accused persons. It is alleged therein that petitioner no. 1, who is a cook in the school, and petitioner no. 2, her husband, in furtherance of a conspiracy, had kept a snake in the food being prepared and distributed to the children under



the Mid-Day Meal Scheme.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. It is contended that the petitioners are, in fact, victims of the present case and have been made scapegoats at the instance of one Gopi Chand, under whose supervision the Mid-Day Meal is supplied through an NGO. It is further submitted that there is no eyewitness who has seen the petitioners placing a snake in the meal. The Mid-Day Meal is not prepared in the school; rather, it is supplied by the concerned NGO, and the cook of the school is only required to serve the meal to the students. Since the meal is not prepared in the school, the cooks cannot be held responsible for the same. Moreover, the antecedents of the petitioners are clean.

5. Learned APP for the State opposes the prayer for bail and submits that there is a direct allegation against the petitioners of having, in furtherance of a conspiracy, placed a snake in the meal served to the students.

6. Consider that petitioner no.1 is a lady, let she be released on bail, in the event of her arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30,000/- (Rupees Thirty Thousand



only), as mentioned in Section 2(1)(d) of the *Bharatiya Nagrik Suraksha Sanhita, 2023*, to the satisfaction of the **learned CJM, Araria, in connection with the aforementioned case**, subject to the conditions as laid down under Section 482(2) of the *Bharatiya Nagrik Suraksha Sanhita, 2023*.

7. But, considering the nature of allegation levelled in the FIR, this Court is not inclined to grant bail to petitioner No.2. Accordingly, the prayer for bail of the petitioner no. 2 in connection with the aforementioned case is hereby rejected.

8. However, if the he surrenders before the Trial Court within six weeks from today, the Trial Court is directed to pass an order on his surrender-cum-bail application on the same day, without being prejudiced by the fact that the his anticipatory bail has been rejected by this Court.

(Dr. Anshuman, J)

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