

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30358 of 2025

Arising Out of PS. Case No.-509 Year-2023 Thana- BAHADURPUR District- Darbhanga

Afsana Khatoon D/O Late Md Moinuddin R/O Vill.- Kharajpur, P.S.-
Bahadurpur, Dist.- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shiv Ganga Yadav S/O Ram Avtar Yadav, R/O Village- Thakaniya, P.S.
Singhwara, Dist. Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha
For the Opposite Party/s : Mr.Ram Priya Sharan Singh
Mr.Sumit Jha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 09-02-2026 1. Heard learned counsel for the petitioner, learned
APP for the State and the learned counsel appearing on behalf of
the informant.

2. The petitioner seeks bail in anticipation of her
arrest in a case registered for the offences punishable under
Sections 302, 328 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
petitioner had earlier approached this Court seeking anticipatory
bail by filing Cr. Misc. No.19868 of 2024 and the same was
allowed by an order dated 11.09.2024, but after anticipatory bail
was granted, the learned counsel appearing on behalf of the
informant made a submission that process under Section 82



Cr.P.C. has been issued against the petitioner on 14.12.2023 and concealing the said fact, Cr. Misc. No.19868 of 2024 was filed as such, this Court after granting anticipatory bail observed that if it is found that process under Section 82 Cr.P.C. has been against the petitioner on 14.12.2023, in that event, the anticipatory bail order dated 11.09.2024 shall not be given effect to. It is further submitted that since the said submission on behalf of the informant was made all of a sudden, as such, the petitioner was not in a position to rebut the said submission, but later a modification application being Cr. Misc. No.392 of 2025 was filed seeking modification of the order dated 11.09.2024 in Cr. Misc. No.19868 of 2024 on the ground that informant in Cr. Misc. No.19868 of 2024 had made a submission that process under Section 82 Cr.P.C. was issued against the petitioner on 14.12.2023, thereafter on 19.12.2023, the petitioner filed ABP No.1827 of 2023, but the same was permitted to be withdrawn by an order dated 22.12.2023 as process under Section 82 Cr.P.C. was issued earlier. Further, the petitioner again filed ABP No.02 of 2024 which came to be rejected and the said order in ABP No.02 of 2024 was impugned in anticipatory bail application i.e. Cr. Misc. No.19868 of 2024. It is next submitted that the petitioner in the modification application i.e. Cr. Misc.



No.392 of 2025 brought to the notice of this Court that ABP No.1827 of 2023 was filed by one Ishrat Khatoon and not by petitioner and ABP No.1827 of 2023 was not withdrawn on the ground that process under Section 82 Cr.P.C. has been issued, as such, notice was issued upon the informant and thereafter, Cr. Misc. No.392 of 2025 was again taken up on 26.03.2025, when this Court permitted the petitioner to withdraw the modification application with liberty to file a fresh anticipatory bail application in pursuance whereof, the present anticipatory bail application has been filed.

4. The learned counsel for the petitioner next submits that the case of the petitioner was considered in detail and on merit in Cr. Misc. No.19868 of 2024 and the Court being satisfied of the merits of the case was pleased to grant the privilege of anticipatory bail to the petitioner by order dated 11.09.2024, but with a condition that if process under Section 82 Cr.P.C. has been issued in that event, the order dated 11.09.2024 in Cr. Misc. No.19868 of 2024 shall not be given effect to. It is also submitted that in Cr. Misc. No.19868 of 2024, the informant inadvertently made a submission that ABP No.1827 of 2023 was filed by the petitioner and the same was withdrawn in view of the fact that process under Section 82 Cr.P.C. has



been issued, but then, the said ABP was not filed by the petitioner, but by one Ishrat Khatoon and the same was not withdrawn on the ground that process under Section 82 Cr.P.C. has been issued.

5. The said submission of the learned counsel appearing on behalf of the petitioner is not rebutted by the learned counsel appearing on behalf of the informant, but then, it is submitted that process under Section 82 Cr.P.C. against the petitioner was issued on 14.12.2023, on which the learned counsel appearing on behalf of the petitioner submits that petitioner was completely unaware that process under Section 82 Cr.P.C. was issued against her. It is also submitted that petitioner was never served with any summon or bailable warrant and all of a sudden, process under Section 82 Cr.P.C. came to be issued, as such, petitioner was not aware about issuance of process under Section 82 Cr.P.C.. It is thus submitted that petitioner, as such, did not intentionally conceal about issuance process under Section 82 Cr.P.C. in Cr. Misc. No.19868 of 2024. It is further submitted that petitioner is a woman and this Court after considering the case on merits was pleased to grant the privilege of anticipatory bail, but then, the said order was hatched by a condition which came to be



recorded after the anticipatory bail was granted and the petitioner being a widow was not even aware that process under Section 82 Cr.P.C. has been issued against her as she did not receive any summon or bailable warrant.

6. After hearing the learned counsel for the parties, the petitioner, above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on her furnishing bail-bonds in the sum 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 Bahadurpur P. S. Case No.509 of 2023, subject to the conditions laid down under Section 482(2) of the B.N.S.

7. The application stands allowed.

(Satyavrat Verma, J)

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