

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27061 of 2026

Arising Out of PS. Case No.-158 Year-2020 Thana- KESARIA District- East Champaran

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Anita Devi W/o Anil Prasad @ Anil Kumar R/o Village - Rajpur Tola,
Ganeshpur, P.S - Kesariya, District - East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Advocate

For the Opposite Party/s : Mr.Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-04-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending her arrest in connection with Trial No. 3548/2025 arising out of Kesariya P.S. Case No. 158 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 325, 323, 324, 379, 354(A)(B), 504, 506 of the Indian Penal Code and added section 307 of the I.P.C.

3. As per FIR, the accused persons including the petitioner alleged to assault the informant and his family members causing grievous injury, where the occurrence took place on the basis of suspicion that wife and sister of the informant were involved in learning black magic.

4. Learned counsel appearing on behalf of the petitioner submitted that initially the petitioner moved before this High



Court for grant of anticipatory bail which was rejected through Cr. Misc. No. 8459 of 2021 dated 13.08.2021, whereafter petitioner filed surrender-cum-bail petition before the learned trial court, where she was granted provisional bail till submission of charge-sheet vide order dated 23.08.2021, and on same very day, her bail bond was accepted provisionally till submission of charge-sheet. It is pointed out that provisional bail was co-terminus with submission of charge-sheet and, therefore, when on 08.12.2022, the charge-sheet was submitted, the aforesaid provisional bail expired *suo motu* in terms of order dated 23.08.2021 of the trial court.

5. In this context, it is further submitted by learned counsel for the petitioner that petitioner was granted provisional bail on 22.08.2021, whereas the aggravated section of the offence punishable under section 307 of the IPC has already been added with FIR on 10.08.2021 i.e. prior to the provisional bail, suggesting that the learned trial court considering the involvement of the petitioner *qua* aggravated offence under section 307 IPC also considered to release her on provisional bail.

6. It appears from perusal of record that learned trial court took cognizance for the offences punishable under section



307 of the IPC against the petitioner vide its order dated 11.12.2024 and issued summon against petitioner to appear by fixing date on 26.03.2025, but on the same very day the petitioner was not present before the court and consequent upon, NBW was issued against the petitioner.

7. In aforesaid background, it is further submitted by learned counsel appearing for the petitioner that aforesaid order of learned jurisdictional Magistrate/trial court dated 26.03.2025 was challenged before this Court through Cr. Misc. No. 59078/2025 dated 31.03.2026, wherein the operation of the order was stayed by this High Court, but learned counsel fairly conceded that the petition of this petitioner was dismissed as withdrawn.

8. Learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Sumit Vs. State of U.P. & Anr.** reported in **2026 INSC 145**.

9. While concluding argument, it is submitted by learned counsel for the petitioner that the matter now compromised between the parties and in support of his submission, he has drawn attention of this Court towards Annexure '7' of the petition.

10. Learned A.P.P. for the State, while opposing the



prayer of anticipatory bail of the petitioner, submitted that petitioner was granted provisional bail on surrender and it was till submission of charge-sheet, whereafter the petitioner failed to appear on the date fixed before the learned trial court and instead of surrendering before the court, petitioner is absconding from the court proceeding.

11. In view of aforesaid factual submission and by taking note of the fact as petitioner has already granted regular bail upon surrender, there is no occasion arising subsequently to entertain the anticipatory bail with same police case, accordingly, the prayer of anticipatory bail of the petitioner stands rejected with observation that the learned trial court, **positively on same very date** on which the petitioner surrenders before it, may consider the prayer of her bail for the following reason:

- (i) As the petitioner is a lady and was on provisional bail and while her provisional bail was considered by the learned trial court, by that time, the offence punishable under section 307 of the IPC was already added in FIR, as discussed aforesaid; and
- (ii) The matters appears compromised in view of Annexure '7' of the bail petition.

(Chandra Shekhar Jha, J)

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