

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31023 of 2026

Arising Out of PS. Case No.-205 Year-2024 Thana- PAHARPUR District- East Champaran

Shobha Devi @ Sima Dawe W/o- Vakil Mahto Village- Siswa Nuniyawa Tola
PS- Paharpur, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar Barnwal

For the Opposite Party/s : Mr. Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-05-2026 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending her arrest in connection with Paharpur P.S. Case No. 205 of 2024 registered for the offences punishable under Sections 302, 120(2), 34 of IPC.

3. As per FIR the husband of the grand-daughter of informant was in illicit relationship with this petitioner, which remains continued and when it was objected repeatedly by the grand-daughter of the informant, the petitioner alongwith husband of the grand-daughter of the informant namely, Mukesh Mahto committed murder of the married grand-daughter of the



informant.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is a lady who is living separately. It is submitted that the allegations *qua* relationship is merely suspicion and it appears that out of said suspicion only the petitioner implicated with present crime in question with aid of Section 34 of IPC. Petitioner claimed clean antecedent.

5. Learned APP while opposing the prayer of anticipatory bail submitted that impugned order itself suggests that same was rejected being not maintainable as process under Section 82 of Cr.P.C. has already been initiated against petitioner. It is submitted that said order was passed after considering the legal report of Hon'ble Supreme Court as available through ***Asha Dubey vs. State of Madhya Pradesh*** reported in ***2024 SCC OnLine SC 5633***.

6. Countering the aforesaid submission, it is pointed out by learned counsel for the petitioner that



there is no absolute bar granting anticipatory bail and in interest of justice it can be passed. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Srikant Upadhyay and Others Vs. State of Bihar, 2024 SCC OnLine SC 282***, however, he conceded that the nature of allegation is of heinous offence like murder.

7. In view of aforesaid factual submissions and by taking note of fact as proceedings under Section 82 of Cr.P.C. has already been initiated against petitioner, where alleged offence is heinous in nature, accordingly, the prayer of anticipatory bail of this petitioner stands **rejected.**

(Chandra Shekhar Jha, J)

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