

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33387 of 2026

Arising Out of PS. Case No.-8 Year-2026 Thana- MAHILA P.S. District- Patna

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Smita Kumari, W/o Randheer Kumar, R/o Village - Moldiyar Tola, Ward No. 10, Ward no. - 10, Netajee Road near Chairman Road, P.S. - Mokama, Dist. - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 18-05-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

2. Petitioner apprehends her arrest in connection with Mahila P.S. Case No. 8 of 2026 registered for the offences under Sections 69, 318, 318(2), 61 of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution case, the informant has alleged that she is working in Navjeevan Hospital and that she is also a divorcee. It has been alleged that, with an intention to remarry, she came in contact with one Randhir Kumar (husband of the petitioner). It is alleged that Randhir Kumar introduced himself as a divorcee and she proposed to marry him and on such pretext, he had also established physical relation with her.



It is further alleged that the said Randhir Kumar had taken money from her in the name of taking debt, however, the amount has not been returned. It is also alleged that the petitioner, i.e., the wife of the said accused, Randhir Kumar, was also involved along with the father and mother of the accused Randhir Kumar.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated with sweeping allegations of her involvement in the present case. It has further been submitted that there is nothing on record to suggest that the petitioner was involved in accepting the amount paid by the informant to the said accused Randhir Kumar and merely because she happens to be the wife of the accused Randhir Kumar, she has been implicated in this case. It has next been submitted that whatever allegations of alluring the informant, who is admittedly a divorcee, have been made against the accused Randhir Kumar and there is no averment with regard to any role having been played by the petitioner. It has also been submitted that the other co-accused persons, namely Sudhir Kumar and Nilam Devi, have already been granted bail by a Coordinate Bench of this Court in Cr. Misc. No.30268 of 2026 vide order dated 08.05.2026.



5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Mahila P.S. Case No. 8 of 2026, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be her close relative.
- (ii) The petitioner shall remain physically present in Court on each date of the trial.
- (iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.
- (iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of her bail bond.
- (v) The learned Court below shall verify the criminal



antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for anticipatory bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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