IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35659 of 2026

CNR No. BRHC010469032026

Arising Out of PS. Case No.-27 Year-2026 Thana- Chitragupta Nagar District- Khagaria

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Satya Prakash S/o Shashi Bhushan Prasad Singh Permanent R/o Village - Berain, PS - Ahiyapur, District - Muzaffarpur, Bihar- 843129 and presently at Ballia, Uttar Pradesh.

... ... Petitioner/s

Versus

1. The State of Bihar through Pr. Secretary, Home Department Govt of Bihar, Patna Bihar
2. Station House Officer, Police Station Chitragupt Nagar, District - Khagaria, Bihar Bihar

... ... Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 38639 of 2026

CNR No. BRHC010469032026

Arising Out of PS. Case No.-27 Year-2026 Thana- Chitragupta Nagar District- Khagaria

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1. Divya Prakash S/o Shashi Bhushan Prasad Singh R/o vill - Shahabazpur Salem, Distt.- Muzaffarpur, Bihar
2. Shashi Bhushan Prasad Singh S/o Ramtapeshwar Singh Permanent R/o vill - Berain, P.O.- Berai, Distt.- Muzaffarpur, and presently at Baliya, U.P.

... ... Petitioner/s

Versus

1. The State of Bihar through Pr. Secretary, Home Deptt. Govt. of Bihar, Patna
2. Station House Officer, Police Station Chitragupt, District Khagaria, Bihar

... ... Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 35659 of 2026)

For the Petitioner : Mr.Abhijit Anand, Advocate (*virtual appearance*)
For the State : Mr.Jai Narain Thakur, A.P.P.
For the Informant : Mr. Vindhya Keshari Kumar, Sr.Advocate
Mr. Ravi Shankar Pathak, Advocate

(In CRIMINAL MISCELLANEOUS No. 38639 of 2026)

For the Petitioner/s : Mr.Abhijit Anand, Advocate (*virtual appearance*)
For the Opposite Party/s : Mr.Ram Naresh Ray, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

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Date : 28-10-2026

Heard Mr. Abhijit Anand, learned counsel, who appeared *virtually* on behalf of petitioners, learned State counsel in both cases and Mr. Vindhya Keshari Kumar, learned counsel for the informant.

2. The aforesaid bail applications have been filed directly before this Court under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (herein after referred to as 'BNSS') for grant of anticipatory bail to petitioners of both cases in connection with Chitragup Nagar P.S. Case No. 27 of 2026, registered for the offence under Sections 108/3(5) of the Bhartiya Nayay Sanhita (for short "B.N.S.").

3. Stamp reporter has raised objection regarding maintainability of these applications, as the petitioners have not approached the Court of Sessions at the first instance and in this regard, by relying on several decisions, a permission letter has been filed before this Court for ignoring the defect by the counsel of petitioners.

4. Brief facts, giving rise to the instant case, are that on 14.02.2026, an F.I.R. was lodged upon the written complaint by one Nand Kumar Singh, who is father of the deceased, against petitioners alleging therein that these petitioners are involved in

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instigating the deceased (daughter of informant) to commit suicide on 12.02.2026 at her government quarter inside Sadar Hospital, Khagaria.

5. Learned counsel for the petitioners submits that the petitioners have directly approached this Court in the light of several judgments of the Hon'ble Supreme Court. He submits that there is an option and right to the accused to select either the Sessions Court or the High Court for making an application for pleading bail, as such their application is maintainable and it cannot be dismissed on the ground that the petitions have not moved before the Sessions Court at the first instance. On merits, he submits that the petitioners have falsely been implicated in this case. Satya Prakash (petitioner in Cr.Misc. No. 35659 of 2026) is brother-in-law, whereas Divya Prasad (petitioner no. 1 in Cr.Misc. No. 38639 of 2026) is husband and Shashi Bhushan Prasad Singh (petitioner no. 2 in Cr.Misc. No. 38639 of 2026) is father-in-law of the deceased and no one had instigated the deceased to commit suicide. As a matter of fact, the deceased (Bhavani Kumari) was married with Divya Prakash (petitioner no. 1 in Cr.Misc. No. 38639 of 2026) on 21.04.2024, but she stayed only for five days at her matrimonial house till her alleged suicide on 12.02.2026 and has already been separated from her husband and was living

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separately in Khagaria where she was employed as nursing staff in Government Sadar Hospital. The petitioners and the deceased were not in touch either on telephone or in any other manner. In this regard, petitioners have relied upon several decisions of the Supreme Court in the case of *Prakash & Ors. vs. State of Maharashtra, reported in 2024 SCC OnLIne SC 3835, Mohit Singhal & Anr. vs. State of Uttarakhand & Ors., reported in (2024) 1 SCC 417* and other decisions. Accordingly, he requests for extending the privilege of anticipatory bail to petitioners.

6. Learned senior counsel appearing on behalf of the informant as well as learned State counsel vehemently opposed the prayer of the petitioners and submitted that bail applications are not maintainable, as petitioners have approached this Court directly without assigning any plausible explanation. Learned senior counsel, while relying on a Division Bench judgment of Hon'ble Supreme Court dated 17.09.2025 in Crl. Appeal @ SLP (Crl) No. 17805 of 2024, submits that it has been observed by Hon'ble Supreme Court that High Court should always encourage exhausting an alternative/concurrent remedy before directly interfering itself. This approach balances the interests of all the stakeholders, first by giving the aggrieved party a round of challenge before the High Court. Second, this approach provides

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the High Court an opportunity to assess the judicial perspective so applied by the Sessions Court, in concurrent jurisdiction, instead of independently applying its mind from the first go. On aforesaid ground, it has been prayed that this Court may not entertain the present bail petitions and refrain from passing favourable orders.

7. It is not in dispute that the petitioners have an option and right to select either the Sessions Court or the High Court for making an application for pleading bail, in view of the law laid down by the Hon'ble Supreme Court in case of **Sundeep Kumar Bafna v. State of Maharashtra and Another,** reported in **(2014) 16 SCC 623,** wherein it was observed and held that since the Sessions Court as well as the High Court, both of which exercised concurrent powers under Section 482 of the BNSS, person accused of commission of non-bailable offence punishable by life imprisonment or death, Section 483 of the BNSS can be invoked for pleading for bail before Sessions Court and the High Court in pre-committal stage, but at the same time, this Court is in agreement with the submission of learned senior counsel appearing on behalf of informant that Bharatiya Nagarik Suraksha Sanhita, 2023 provides concurrent jurisdiction to the High Court and Sessions Court for entertaining applications for anticipatory bail and High Court should always encourage exhausting an alternative

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remedy before directly interfering itself. This Court is of the opinion that the aggrieved person should first move to the Sessions Court in the matter, though in exceptional cases or special circumstances, the High Court may entertain and decide an application. But, it would be a sound exercise of judicial discretion not to entertain each and every application for bail directly to the High Court by-passing the Court of Session. Even, from perusal of aforesaid bail applications, this Court does not find any compelling circumstance for the petitioners, other than bald statements, to directly approach this Court for grant of anticipatory bail without exhausting their alternative statutory remedy before the learned Sessions Court. In the entire petitions, petitioners have not assigned any special circumstance, which compelled them to move directly before this High Court bypassing the Sessions Court.

8. In view of the aforesaid discussions, both the anticipatory bail applications stand rejected.

9. Before parting with this order/judgment, it is observed that if so advised, petitioners may approach before the Sessions Court / concerned Court for grant of anticipatory bail to them within a period of four weeks from the date of receipt/production of copy of this order/judgment. Needless to state that the bail

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application(s), so preferred, shall be considered on its own merit without being prejudiced by this order/judgment.

(Prabhat Kumar Singh, J.)

Anay

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	05.11.2026
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