

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36457 of 2026

Arising Out of PS. Case No.-246 Year-2024 Thana- BENIPATTI District- Madhubani

Kiran Jha S/o Manoj Kumar Jha @ Manoj Jha Resident of Village -
Dhanauja(Lorika), P.S.- Benipatti, Dist. - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-06-2026 The Court proceeding is being conducted through
virtual mode.

2. Heard learned counsel for the petitioner and learned
APP for the State.

3. The petitioner is apprehending arrest in connection
with Benipatti P.S. Case No. 246 of 2024, dated 22.10.2024,
lodged under Sections 103(1), 61(2) & 3(5) of the Bhartiya
Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”)
and Sections 24(1-B)(a), 26, 27 and 35 of the Arms Act.

4. As per the prosecution case, the FIR has been
lodged against five named accused persons, out of whom three
names have been specifically disclosed, while two names have
surfaced on the basis of the holder of a mobile number. It has
been alleged that all the accused persons, including the mobile



number holder along with some unknown miscreants, in furtherance of a criminal conspiracy, committed the murder of the informant's father.

5. Learned counsel for the petitioner submits that the petitioner has been implicated only on account of being the owner of the mobile number in question. It is further submitted that, as per the rejection order, the only material against the petitioner is alleged repeated communication through the petitioner's mobile number with the deceased as well as co-accused persons around the relevant time, and on the basis of such electronic evidence, the learned Trial Court has rejected the anticipatory bail application of the petitioner. It is further submitted that one Mithun Giri, who allegedly used the petitioner's mobile phone for communication with other persons, has been in contact with the petitioner's son. It is also submitted that the co-accused, namely Mithun Giri, has already been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 02.04.2026 passed in Cr. Misc. No. 76373 of 2025, which has been annexed as Annexure-P/2.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that although the petitioner is not named in the FIR and is an aged lady of about 49 years, she



has been implicated on the basis of the fact that she is the holder of the mobile number in question.

7. Considering the facts and circumstances of the present case, particularly the fact that the co-accused, namely Mithun Giri, has already been granted anticipatory bail vide order dated 02.04.2026 passed in Cr. Misc. No. 76373 of 2025, let the above-named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of A.C.J.M Benipatti at Madhubani, in connection with Benipatti P.S. Case No. 246 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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