

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39474 of 2026

Arising Out of PS. Case No.-10 Year-2026 Thana- PARSABAZAR District- Patna

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Hamida Bano Wife of Md. Mobin Resident of Village - Ebadullah Chak, P.S.-
Parsa, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Md Ataul Haque
For the Opposite Party/s :	Mr. Syed Mojibur Rahman
	Mr. Pintu Kumar Patel
	Mr. Shivnandan Bharti

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 25-06-2026 1. Heard learned counsel for the petitioner, learned
APP for the State and the learned counsel appearing on behalf of
the informant.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 191(2),
190, 115(2), 109, 64, 85, 123 and 61(2) of the B.N.S.
3. The learned counsel submits that the petitioner is a
person with clean antecedent and the informant alleges that she
was married 23.03.2018 with Safkat Parwej and even after six
years of marriage, the informant could not conceive, hence her
mother-in-law (petitioner) started pressurizing her husband to
perform second marriage but her husband was not ready, hence
petitioner in connivance with a Maulana gave her toxic water on
account to which she lost consciousness and her brother-in-law



Shinu raped her in an unconscious state and disclosed that she had been raped on the instruction of Maulana, so that she becomes pregnant, further Akib tried to strangle her but her father-in-law saved her.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case being mother-in-law of the informant. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that the informant alleges that she was married to Safkat in the year 2018 and even after six years of marriage, she could not conceive, as such, the petitioner being mother-in-law started pressurizing her son to perform second marriage, but then her son did not agree. It is thus submitted that this amply demonstrates that husband was not in favor of performing second marriage though he was entitled to perform the second marriage in accordance with Islamic law. It is further submitted that it does not appear probable that the petitioner at the instance of a Maulana would have got the informant raped by her other son, as it is not the case of the informant that there was any deficiency in her husband. It is further submitted that since informant was not conceiving, hence there was a bickering in the family which led to the institution of the instant false case. It is also submitted that initially, a complaint case was instituted with an intent to implicate the entire family members and coerce



them into submission but on orders of the Court, the instant FIR came to be instituted. It is also submitted that during course of the investigation no material transpired connecting the petitioner with the offence.

5. Learned A.P.P. as well as the learned counsel appearing on behalf of the informant opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on anticipatory bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court in connection with Parsa Bazar P. S. Case No. 10 of 2026, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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