

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40133 of 2026

Arising Out of PS. Case No.-50 Year-2026 Thana- UDAKISHUNGANJ District- Madhepura

Asha Devi @ Asha Kumari S/o Rajesh Kumar @ Pawan Yadav R/O village -
Pipra Karoti, ward no 2,P.S - Udakishunganj, District - Madhepura

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Wasi Ahmad Khan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-06-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending her arrest in connection with Udakishunganj P.S. Case No. 50 of 2026 registered for the offences punishable under Sections 69, 105, 140(1), 3(5), 103(1), 238 & 61(2) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.').

3. The allegation against the petitioner is to kidnap the new born baby of the daughter of the informant in Sub-Divisional Hospital, Udakishunganj, district – Madhepura. It is alleged that when the daughter of informant was in unconscious condition after given birth to a child, petitioner alongwith other co-accused persons left her in same condition and taken away her newly born baby and, thereafter, when she was being taken in Medical College, Madhepura for better treatment, she died



due to birth related complexities.

4. Learned counsel appearing on behalf of the petitioner submitted that the thrust of allegation is available against Rishuraj, who is the son of this petitioner. It is submitted that informant was aware about the relationship of his deceased daughter with the son of this petitioner and was also aware that his daughter was pregnant.

5. It is submitted that son of petitioner in fact solemnized marriage with the daughter of the informant out of which she became pregnant and given birth to a child in Udakishunganj Sub-Divisional Hospital. It is submitted that still new born baby is with the family of this petitioner, who is none but the grand-mother. While concluding argument, it is submitted that petitioner claimed clean antecedent.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. In view of the aforesaid factual submissions and by taking note of the fact as the dispute maximum suggest the custody of new born baby, as discussed aforesaid, where even thrust of allegation is available against son of the petitioner namely, Rishuraj, accordingly, petitioner above-named, who is a lady of clean antecedent, in the event of her arrest/surrender



within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura/concerned court in connection with Udakishunganj P.S. Case No. 50 of 2026, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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