

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41762 of 2026**

Arising Out of PS. Case No.-142 Year-2026 Thana- BAIRIYA District- West Champaran

Abha Devi, Wife of Ajay Patel Resident of Village- Bhitaha, Mathiya, P.S.-  
Bairiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

For the Informant : Mr. Madhukar Anand, Advocate

**CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY**

ORAL ORDER

2      01-07-2026                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner apprehends her arrest in connection with Bairiya P.S. Case No. 142 of 2026 registered for the offences under Sections 329(3), 126(2), 352, 115(2), 118(1), 109(1), 103(1), 76, 61(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023.

3. The allegation against the petitioner is that she had provided Barchhi and Bhala to the other co-accused persons, which was used to kill the brother of the informant who had



sustained injuries on his abdomen.

4. Learned counsel for the petitioner submits that the petitioner, being a lady, has falsely been implicated in this case with an allegation along with two other co-accused persons, who have caused fatal injury. It has further been submitted that from the averment made in the FIR, it would be evident that the allegation against the petitioner was that she had carried Bhala and Barchhi and handed it over to the other co-accused persons and therefore, attributing such an allegation that she was involved in the assault was not correct. It has next been submitted that the allegation is an afterthought because looking at the three injuries, the petitioner along with two others, has been implicated, however, there are only two injuries which can be said to be entry wounds, while the third injury was an exist wound and therefore, the false implication of the petitioner cannot be ruled out. It has also been submitted that the allegations of assaulting the other injured persons are levelled against the other accused persons and not against the petitioner. It has lastly been submitted that the petitioner is an accused in one another case, in which final form was submitted by the police.

5. Learned counsel for the informant and learned APP



for the State have vehemently opposed the prayer for anticipatory bail and have submitted that on account of injuries inflicted by the petitioner and others, the brother of the informant died in the hospital. It has been submitted that other injured persons are also struggling for their lives, and in view of the nature of the allegation wherein even the petitioner has been alleged to have used the Bhala to cause injury, she should not be released on bail. It has also been submitted that the other accused person, namely, Suresh Patel, was granted regular bail.

6. Considering the aforesaid facts and circumstances of the case and especially taking into account that there is an allegation of causing injury by Bhala along with two other accused persons, namely, Suresh Patel and Abhay Patel, I am not inclined to enlarge the petitioner on anticipatory bail.

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

8. In view of the fact that a similarly situated accused has been allowed regular bail, the petitioner shall be at liberty to move for regular bail, if so advised, and the prayer for bail shall be considered on its own merits without being prejudiced by the rejection of this anticipatory bail application.



9. 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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