

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43491 of 2026

Arising Out of PS. Case No.-21 Year-2026 Thana- MAHILA P.S. District- Siwan

Khairul Nesha @ Khairul Nisha, W/O Mohamad Aslam @ Md. Aslam,
Resident of Village - Kurwa (Kudawa), P.S.- Barharia, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RANJAN KUMAR JHA
ORAL ORDER

2 14-07-2026 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks anticipatory bail in connection
with Mahila P.S. Case No. 21 of 2026, registered under Sections
64, 89, 79, and 3(5) of the Bharatiya Nyaya Sanhita (B.N.S.),
2023.

3. The prosecution case, as alleged in the F.I.R., is that
the informant was raped by her brother-in-law (dewar), namely,
Sarfaraz Alam, at her matrimonial home after he administered
some intoxicating medicine to her. When the informant narrated
the incident to the present petitioner (her mother-in-law), the
petitioner allegedly took the side of her son. Subsequently, when
the informant's husband returned from abroad, he also failed to
take any corrective steps and sided with his brother. It is further



alleged that the accused party subsequently got the informant's pregnancy forcibly terminated.

4. Learned counsel for the petitioner submits that the primary allegations of sexual assault are explicitly directed against the co-accused Sarfaraz Alam (dewar of the informant). There is no specific role or overt act of assault attributed to the petitioner, who happens to be the elderly mother-in-law. The only role assigned to the petitioner is that she allegedly favored the main accused, Sarfaraz Alam, after the fact. It is further submitted that the main accused is already in custody, as stated by the learned counsel.

5. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail.

6. Having considered the rival submissions of the parties and taking into account the facts and circumstances of the case, particularly that the petitioner is a woman with no specific role attributed to her, and that she has not acted as a primary abettor to the core offense, this Court is inclined to extend the privilege of anticipatory bail to the petitioner.

7. Accordingly, let the petitioner, Khairul Nisha, in the event of her arrest or surrender before the learned court below within a period of four weeks from today, be released on



anticipatory bail upon furnishing a bail bond of ₹20,000/-
(Rupees Twenty Thousand Only) with two sureties of the like
amount each to the satisfaction of Sub Divisional Judicial
Magistrate, Siwan/concerned court.

(Ranjan Kumar Jha, J)

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