

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44521 of 2026

Arising Out of PS. Case No.-914 Year-2010 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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Bhikho Khatun @ Rahina Khatun W/O Md. Ibrahim R/O-Village- Laua
Lagan West, Ward No. - 10, P.S.- Chausa, District - Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjida Khatoun W/O Md. Ibrahim D/O Late Md. Dastagi, Resident of Vill.-
Shahtola Jamalpur Bazar, P.S - Gogari, Dist- Khagaria

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh
For the Opposite Party/s : Shri Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-07-2026 1. Heard learned counsel for the petitioner and
learned APP for the State, Shri Chandra Bhushan Prasad.

2. The learned A.P.P., at the outset, submits that from
perusal of the anticipatory bail application, it would manifest
that petitioner is seeking anticipatory bail in Complaint Case
No. 914C of 2010, in which cognizance was taken under
Sections 498A of the I.P.C. It is next submitted that after
cognizance is taken, summons are issued and if petitioner based
on summons appears before the learned Trial Court, the
petitioner will not be arrested rather will join the proceedings
before the learned Trial Court and for the said submission relies
on an order of the Hon'ble Supreme Court in S.L.A. (Criminal)



No.16221 of 2025 (Om Prakash Chhawnika @ Om Prakash Chabnika @ Om Prakash Chawnika vs. the State of Jharkhand and another) disposed off by an order dated 23.04.2026 and relies on Paras-8, 9 and 10 of the said order.

3. Learned A.P.P. for the State next submits that complaint case is of the year 2010 and it might be a possibility that after summons non-bailable warrant or process under Section 82 and 83 Cr. P.C. might have been issued on which learned counsel appearing on behalf of the petitioner submits that till date in the aforesaid complaint case only summons have been issued.

4. The learned counsel appearing on behalf of the petitioner further submits that petitioner is alleged to be the second wife of the husband of the complainant and the said allegation is disputed, but then is not in a position to rebut the submission made by the learned counsel appearing on behalf of the State that since summons have been issued, the petitioner ought to have appeared before the learned Trial Court and joined the proceeding.

5. After hearing the learned counsel for the parties, the anticipatory bail application is disposed off with a liberty to the petitioner to appear before the learned Trial Court on or



before 18.08.2026 with a copy of the order dated 23.04.2026 in S.L.A. (Criminal) No.16221 of 2025 (Om Prakash Chhawnika @ Om Prakash Chabnika @ Om Prakash Chawnika vs. the State of Jharkhand and another) and the learned Trial Court shall proceed strictly in accordance with the order of the Hon'ble Supreme Court.

6. However, it is made clear that if non-bailable warrant of arrest or process under 82 and 83 Cr. P.C. has been issued in that event the present order shall not be given effect to.

(Satyavrat Verma, J)

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