

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48086 of 2026

Arising Out of PS. Case No.-42 Year-2025 Thana- MAHILA PS District- East Champaran

Mamta Devi @ Mamta Singh W/o Late Guddu Singh @ Rajeev Ranjan Singh
@ Rajiv Singh Resident of Village- Chintamanpur, P.S.- Pipra, District- East
Champaran, Motihari

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. XX W/o YY Resident of village - Semarkaul, Ward no.- 14, P.S.- Bagha,
District - West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sumit Kumar Gupta, Advocate Mr. Sharda Nand Mishra, Advocate Ms. Isha Mishra, Advocate
For the Opposite Party/s	:	Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 22-07-2026 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Mahila P.S. Case No.42 of 2025, F.I.R dated 28.04.2025 registered for the offences punishable under Sections 65 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 and 8 of the POCSO Act.

3. According to prosecution case, the petitioner and her son took the informant's 10-year-old daughter on 05.07.2021 on the pretext of educating her. The victim allegedly remained at the petitioner's residence, assisting the family with household



work. When the informant and others visited the petitioner's house on 14.01.2025 to bring the victim back, they were allegedly prevented from doing so. Thereafter, the informant approached the Labour Department and other authorities, and it is further alleged that on 04.03.2025, the informant and her husband were threatened with dire consequences. Subsequently, the co-accused produced the victim before the Mahila Police Station, Bagaha.

4. Learned counsel for the petitioner submits that the petitioner is the mother of co-accused Shubham Singh, against whom there is specific allegation of sexual assault while, there are contradictions in the statement of the victim girl recorded under Sections 180 and 183 of the B.N.S.S. It has further been submitted that there is nothing specific against this petitioner and merely this petitioner, being the mother of co-accused Shubham Singh, has been implicated in the present case. It has next been submitted that the co-accused, namely, Shubham Singh, has been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court vide order dated 07.05.2026 passed in Cr. Misc. No.9903 of 2026.

5. Learned APP for the State opposes the prayer for anticipatory bail application.



6. Considering the aforesaid facts and circumstances there is no specific allegation against this petitioner rather the allegations are general and omnibus in nature and merely this petitioner, being the mother of co-accused Shubham Singh, has been implicated in the present case and the co-accused, namely, Shubham Singh, has already been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 7th District and Additional Sessions Judge cum Special Judge POCSO Act, East Champaran, Motihari, in connection with Mahila P.S. Case No.42 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide



official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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