IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67065 of 2026

CNR No. BRHC010935762026

Arising Out of PS. Case No.-231 Year-2008 Thana- SARAIYA District- Muzaffarpur

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Pratima Kumari Wife of Madan kumar Resident of Village- Pokhraira, P.S.- Saraiya (Jaitpur OP), District- Muzaffarpur.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Mukesh Kumar, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

3 05-11-2026 Heard the learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in connection with Saraiya P.S. Case No. 231 of 2008, F.I.R. dated 13.10.2008 registered for the offences punishable under Sections 304(B), 201 and 34 of the Indian Penal Code.

3. According to prosecution case, that the informant's niece was married to Rambabu Kumar and was allegedly subjected to torture by her husband and other accused persons, including the petitioner, for demand of a motorcycle as dowry. It is further alleged that the informant learnt that the accused persons had collectively murdered her on the midnight of 08.10.2008. Accordingly, the present FIR was registered against

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the accused persons, including the petitioner.

4. Learned counsel for the petitioner submits that upon investigation, a final form in this case was submitted as against the petitioner way back in the year 2013 and after submission of the final form, the Court concerned, differing with the police report, mechanically took cognizance against the petitioner. The petitioner came to know about the cognizance having been taken against her only after a non-bailable warrant was issued against her. It is the specific case of the petitioner that she fully cooperated with the investigation and provided all such materials as were in her knowledge and available to her. Accordingly, upon completion of the investigation, the petitioner was not sent up for trial. Lastly, it has been submitted that the petitioner has no criminal antecedent.

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

6. Considering the aforesaid facts and circumstance and taking into account the fact that the petitioner has fully cooperated with the investigation and is ready to cooperate with the trial, and also the fact that the petitioner has clean antecedent, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

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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 Add. Sessions Judge, 3rd, Muzaffarpur in connection with aforementioned P.S. Case, 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

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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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