IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74852 of 2026

CNR No. BRHC011057712026

Arising Out of PS. Case No.-286 Year-2026 Thana- BAKHTIYARPUR District- Patna

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Alpana Kumari Daughter of Vijay Kumar R/o - Majhla Bigha, P.S.- Pandarak, District - Patna, Bihar (803214)

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Shubhankar Raj, Adv.
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 04-11-2026 Heard learned Advocate for the petitioner and learned APP for the State.

2. The petitioner apprehends her arrest in connection with Bakhtiyarpur P.S. Case No.286 of 2026 registered for the offences punishable under Sections 103(1), 61(2) and 3(5) of the BNS.

3. The prosecution case, as alleged, is that on 28.04.2026, the informant's brother had gone to the market but did not return home. On the following morning, the informant received information that the dead body of his brother was lying near Chakdaulat. Suspecting the involvement of the petitioner as well as the deceased's in-laws in the alleged occurrence, the informant lodged the present FIR against the petitioner and

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others.

4. Learned Advocate appearing for the petitioner submits, that there is no eyewitness to the alleged occurrence and the suspicion levelled against the petitioner is wholly unfounded. It is contended that although the petitioner was married to the deceased in the year 2016, they had voluntarily separated in the year 2022, pursuant to which an agreement was also executed between them. A copy of the said agreement has been brought on record as Annexure-P/2 to the bail application. It is further submitted that, during the course of investigation, the tower locations of the petitioner as well as the other co-accused persons were not found to be in the vicinity of the place of occurrence. In fact, all of them had submitted a representation before the investigating agency, requesting a fair and proper investigation so that innocent persons may not be implicated in the present case. It is further argued that the post-mortem report does not disclose the definite cause of death, and, accordingly, the viscera has been preserved and sent to the Forensic Science Laboratory for chemical examination to ascertain the cause of death. It is also contended that the deceased was mentally disturbed and had a habit of consuming liquor, and his death might have occurred on account of excessive consumption of

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alcohol. It is lastly contended that the other co-accused persons, against whom identical allegations have been levelled, have already been extended the privilege of anticipatory bail by a learned Coordinate Bench of this Court in Criminal Miscellaneous No. 50597 of 2026, vide order dated 31.08.2026. A copy of the said order has been brought on record as Annexure-P/4 to the bail application. Moreover, the petitioner is a woman having clean antecedent and undertakes to extend full cooperation in the proceedings of the Court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that suspicion has been raised against the petitioner on account of a long-standing dispute between the petitioner and the deceased. The petitioner might have, with the assistance of others, conspired to eliminate the deceased.

6. Having considered the rival submissions advanced by learned Advocates appearing for the respective parties and upon careful consideration of the materials collected during the course of investigation, this Court, *prima facie*, finds that the materials on record do not disclose the complicity of the petitioner in the alleged crime, and also the fact that there is no mark of violence over the body of the deceased, as is evident

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from the post-mortem, the other co-accused persons, against whom similar allegations have been levelled, have already been extended the privilege of anticipatory bail by a Coordinate Bench of this Court and the case of the petitioner is based on parity, besides the petitioner is a woman having fair antecedent, let the above named petitioner, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM 3rd Barh in connection with Bakhtiyarpur P.S. Case No.286 of 2026, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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