

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74341 of 2025

Arising Out of PS. Case No.-109 Year-2025 Thana- MORKAHI District- Khagaria

-
1. Rajneeti Kunwar @ Lalan Kunwar S/o Late Bano Kunwar (In FIR 60 Years)
R/o Village - Bachauta, P.S - Morkahi, District - Khagaria
 2. Babita Devi @ Vibha Devi W/o Rajneeti Kunwar @ Lalan Kunwar (In FIR
55 Years) R/o Village - Bachauta, P.S - Morkahi, District - Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Aditya Kumar S/o Late Ratan Prasad Singh R/o - Sanhauli, P.S - Chitragupt
Nagar, District - Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Samrendra Kumar Jha, Advocate,
For the Opposite Party/s :	Mr. Chandra Bhushan Prasad, APP
For the Informant :	Mr. Abdul Mannan Khan, Advocate
	Mr. Hafiz Shahbaz Arif, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 15-01-2026 1. Heard learned counsel for the petitioners, learned
A.P.P. for the State, Mr. Chandra Bhushan Prasad and the
learned counsel appearing on behalf of the informant.
2. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 126(2),
115(2), 118(1), 118(2), 109, 117(2), 85 and 3(5) of the BNS,
2023 read with Sections 3 and 4 of the Dowry Prohibition Act.
3. The SHO, Morkahi Police Station and the
Investigating Officer of the case, in compliance of the order
dated 17.12.2025, are present in the Court.



4. Learned counsel for the petitioners submits that petitioners have antecedent of two cases and the informant alleges that his sister was married to Krishna Kumar about three years back, out of the wedlock, a child was born, after marriage the victim was tortured for non fulfillment of demand of dowry of Rs. 25 Lakhs and a motorcycle, next alleges that on 12.07.2025, Krishna Kumar assaulted her by a sharp edged weapon causing injury on neck and jaw, thereafter father-in-law also assaulted by a sharp weapon causing injury on cheek, further the mother-in-law, sister-in-law along with two unknown accused assaulted causing fracture of hand and also slit the nerve and assaulted on leg and considering her dead, the family members threw her in a ditch, further police admitted the victim at Kalpana Nursing Home, the nursing home informed the informant accordingly, he came and thereafter came to know that victim was having injury on head for which she was operated.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case being father-in-law and mother-in-law of the victim. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the date of occurrence of assault is



alleged to be 12.07.2025 and the informant alleges that police admitted the victim in the hospital on the said date itself, but then no FIR came to be instituted. It is next submitted that the instant FIR was instituted on 18.07.2025 by the informant and not by the victim. It is further submitted that during the course of investigation, it has come that on 12.07.2025 Krishna Kumar was not present at the place of occurrence rather tower location of his mobile was showing that he was in Patna. It is submitted that Krishna Kumar runs a coaching institute in Patna at Punaichak, Rajbanshi Nagar. It is further submitted that sister-in-law of the victim is an ANM posted at PHC, Mahishi Block, Saharsa. It is submitted that on the said date of occurrence even the sister-in-law was not present at the place of occurrence.

6. The SHO and the Investigating Officer of the case who are present in the Court submits that that they received information about the occurrence as the informer called on 112. It is submitted that the information was provided by the mother-in-law of the victim who disclosed that petitioner no. 1 i.e. her husband had assaulted the victim causing injury on her face. It is next submitted that based on the said information, the police came and recovered the victim from a place adjacent to her house and took her to the hospital, on query of the Court that as



to why no FIR came to be instituted instantly based on the information provided by the mother-in-law of the victim through 112, on which it is submitted that the earlier SHO was in contact with the family and as such they are not aware that as to why an FIR was not instituted then, but then it is fairly submitted that during the course of investigation, it transpired that tower location of the husband of the victim was found on the date of occurrence at Patna, further it is submitted that the Investigating Officer personally had gone to Saharsa for investigating about the role of the sister-in-law and it transpired that even sister-in-law on the date of occurrence was not present at the place of occurrence rather was at Saharsa and the same was testified by her superior and the attendance register.

7. At this stage, the learned counsel appearing on behalf of the petitioners submits that *prima facie* during the course of investigation, it transpired that husband and sister-in-law of the victim were not even present at the place of occurrence, but then they have been implicated in the instant case. It is next submitted that though it is being submitted that it was the mother-in-law of the victim who informed the police about the occurrence, but then it is submitted that she has also been made an accused in the instant case, it is thus submitted



that it appears that the entire occurrence was manipulated or the injuries were self inflicted. It is next submitted that had the father-in-law been involved in the occurrence whether his wife would have called the police and informed that father-in-law assaulted leading to injury on face. It is also submitted that after the victim was admitted in the hospital, the doctor examined the victim and found lacerated wound over left side of face size 5 cmx1/2 cmx1/4 cm, neck, eyelid, left and right hands and forearm and the injury was opined to be grievous.

8. At this stage, the learned APP for the State submits that it was mother-in-law of the victim who had called the police and informed about the occurrence that her husband is having a fight with the victim and he has assaulted her on her face causing injury based on which the police came and admitted the victim in the hospital and thereafter the family members of the victim were informed. The learned APP next submits that it is not in dispute that the call on 112 came from the mobile number registered in the name of the mother-in-law of the victim, the said submission is not disputed by the learned counsel appearing on behalf of the petitioners, but then the learned counsel appearing on behalf of the petitioners submits that this amply demonstrates that how shrewdly the mother-in-law of the victim



has also been implicated in the instant case.

9. After hearing the learned counsel for the parties, the Court is inclined to extend the privilege of anticipatory bail to petitioner no. 2, however, the Court is not inclined to extend the privilege of anticipatory bail to petitioner no. 1.

10. The petitioner no. 2 above-named, in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Morkahi P.S. Case No. 109 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

11. The personal appearance of the SHO, Morkahi Police Station and the Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

