

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86886 of 2025

Arising Out of PS. Case No.-171 Year-2025 Thana- DARBHANGA District- Darbhanga

1. Baby Devi @ Babita Devi W/o Lalit Kumar @ Lalit Sah R/o Village - Ratnopatti, P.S. - Nagar, Distt. - Darbhanga.
2. Shiv Shankar Sah Son of Ram Bilash Sah R/o Village - Ratnopatti, P.S. - Nagar, Distt. - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Ms.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-01-2026 After some arguments, learned counsel for the petitioners seeks permission to withdraw this application with respect to petitioner No.2, namely, Shiv Shankar Sah with liberty to the petitioner to surrender before the learned court below within a period of two weeks from today and seek regular bail.

2. Permission is accorded.

3. The application is dismissed as withdrawn with respect to petitioner No.2, namely, Shiv Shankar Sah with the liberty that the petitioner surrenders and seeks regular bail before the learned court below, the same shall be considered on the same day on its own merit in accordance with law and



without being prejudiced by any observation in the present order.

4. Heard Mr.Shiva Shankar Sharma, learned counsel for the petitioner No.1, namely, Baby Devi @ Babita Devi and Ms.Sharda Kumari, learned Additional Public Prosecutor for the State.

5. Petitioner No.1, namely, Baby Devi @ Babita Devi is apprehending her arrest in connection with Town P.S. Case No.171 of 2025, dated 30.09.2025 registered for the offences punishable under Sections 115(2), 126(2), 76, 109, 351(2), 352,3(5) of B.N.S.

6. Allegation against the petitioner is that she is order-giver in the present occurrence.

7. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. She has not committed any offence as alleged in the FIR. It appears from the FIR that although she is named in the FIR but there is no specific allegation of any assault or overt-act attributed against the petitioner only allegation against the petitioner is that she is order-giver.

8. Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for



anticipatory bail of the petitioner.

9. Considering the aforesaid facts, let the petitioner, above named, in the event of 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 learned Chief Judicial Magistrate, Darbhanga in connection with Town P.S. Case No.171 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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