

IN THE COURT OF SATYA BHUSHAN ARYA, SESSIONS JUDGE, BANKA

Sunita Devi & Anr. Versus State of Bihar

Anticipatory Bail Petition No. 398 of 2026

Date of filing : 18.03.2026

Date of order : 19.05.2026

In the matter of :

1. Sunita Devi, age 51 years, son of late Sitaram Yadav

2. Tufan Bir Yadav, age 23 years, son of late Sitaram Yadav

Both resident of village Makduma, p.s. Amarpur, district Banka

..... Petitioners

-Versus-

1. State of Bihar

2. Rekha Kumari daughter of Sanjeev Kumar Yadav, resident of village Ghushri, Belsira, p.s. Fulidumar, district Banka

.....Opposite Party

Present : - Sri Anand Deo Choudhary, Advocate for the Petitioners

Sri Hira Lal Singh, Public Prosecutor for the State

ORDER

1. Apprehending arrest the petitioners have preferred this pre-arrest bail application who are booked in Banka Mahila Police Station Case No. 04 of 2026, for the offence allegedly committed under Sections 85, 115(2), 351(2)(3), 352, 3/5 of BNS and Sections 3, 4 of Dowry Prohibition Act.

2. In the nutshell, the case of prosecution is based upon a gravamen filed by one Rekha Kumari with the allegations that her love marriage was solemnized on 02.10.2023. Out of the wedlock, they have one female child named Sonali Kumari, aged one year. Soon after the marriage, on 29.11.2025, at 11-pm, 1. her husband Bhagawan Bir Yadav, 2. mother-in-law Sunita Devi, 3. brother-in-law Tufan Bir Yadav, they all assaulted her and ousted her of the house by snatching all her jewelry. She was threatened by her husband that he will perform second marriage if she will not bring Rs. 2,00,000/- from her parents. Panchayat was also convened in this matter but in vain. Ultimately, on 29.11.2025, she was ousted of the house by snatching her jewelry.

3. In oral arguments, learned counsel for the petitioners submitted that petitioners are mother-in-law and brother-in-law respectively of the complainant and they have nothing to do with alleged demand of dowry. Learned counsel for the petitioners drew attention on the gravamen wherein the complainant herself

IN THE COURT OF SATYA BHUSHAN ARYA, SESSIONS JUDGE, BANKA

Sunita Devi & Anr. Versus State of Bihar

Anticipatory Bail Petition No. 398 of 2026

Date of filing : 18.03.2026

Date of order : 19.05.2026

stated that she has solemnized love marriage with Bhagwan Bir Yadav.

4. *Upon call, none appeared for the complainant.*

5. *In counter, learned Public Prosecutor for the State stoutly opposed the pre-arrest bail application.*

6. *Heard submissions and perused the record. Keeping in view the nature of allegations, in the opinion of this court no custodial interrogation is required in this case; resultantly, this pre-arrest bail application is allowed. It is, therefore, ordered that upon arrest or surrender of the petitioners within fortnight of receiving the instant order the petitioners be admitted to anticipatory bail upon furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of trial court subject to condition as laid down under Section 482(2) of the BNSS. Out of the two sureties, one will be of the same village or close relative of petitioners. The accused will also file an undertaking that they will personally appear on each and every date of hearing, his failure on third occasion to appear in person in the entire proceedings, his bail will be cancelled. If the petitioners choose to surrender before the learned trial court, thereafter they will join investigation within next 15 days; failing which their bail will be cancelled.*

7. *File be consigned to the record room and that of trial court be sent back with a copy of this order.*

8. *Keeping in view the General Order no. 1 of 1991 (Criminal) dated 07.03.1991, the certified copy of FIR, if desired, be returned back to the petitioners on placing the xerox copy thereof on record.*

(Dictated)

(Satya Bhushan Arya)
Sessions Judge, Banka