

Court of District & Additional Sessions Judge XVI, Bhagalpur.

Present- Sandeep Singh

A.B.P. No. 582/2026

Arising out of Akbarnagar P.S. Case No. 39/2026

U/S 85, 126(2), 115(2), 352, 351(2), 351(3), 3(5) of B.N.S.

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| 1. Sumitra Devi | 2. Rudli Devi @ Rudhwa |
| 3. Kiran Devi | 4. Priyanka Devi @ Priyanka Kumari |
| 5. Pinki Devi @ Pinki Kumari | 6. Surendra Kumar |
| 7. Bharti Devi | |

V/s

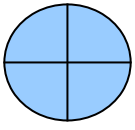
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| 1. State of Bihar | 2. Sujata Kumari |
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Date	Order	Remarks
17.04.2026	<p>(1) This anticipatory bail petition filed on behalf of petitioners viz. 1. Sumitra Devi, aged about 69 years W/o late Jagdish Ram, 2. Rudli Devi @ Rudhwa, aged about 74 years, S/o late Jagdish Ram, presently resident of Sweeper Colony P.S. Ramgadh, District-Ramgadh (Jharkhan), 3. Kiran Devi, aged about 50 years, W/o ISurendra Kumar, 4. Priyanka Devi @ Priyanka Kumari, aged about 28 years, W/o Mukesh Kumar, 5. Pinki Devi @ Pinki Kumari, aged about 27 years, wife of Rajesh Kalindi, 6. Surendra Kumar, aged about 56 years, son of Jagdish Ram, all resident of village-Ghutuwa, N.T.S. Barkakana Near Ambedkar Chowk, Quarter No. 10-1B11/2, P.S. Patratu, District-Ramgadh, (Jharkhan), 7. Bharti Devi aged about 35 years wife of Sandeep Ram Resident of N.T.S. Barkakana, Near Ambedkar Chowk, Qr. No. 10-1B11/2, P.S. Patratu, District-Ramgadh (Jharkhand) presently residing Barwatoli, Ward No. 22, Lohardagga, District-Lohardaga, Jharkhand, who are apprehending their arrest in connection with arrest in connection with Akbarnagar P.S. Case No. 39/2026 registered U/S 85, 126(2), 115(2), 352, 351(2), 351(3), 3(5) of B.N.S. Attendance of informant with Power are also filed on behalf of informant.</p> <p>(2) Heard Md. Taiyab Ali Id. Counsel for petitioners and Sri B.K. Singh Id. APP for the State, informant and Sri Vijay Kumar, Id. Counsel for the informant.</p> <p>(3) Prosecution's case, as contained in written report dated 07.03.2026, of informant Sujata Kumari, in short, is that, she was married to Amit Kumar on 27/11/2013. She had a daughter aged about 10 years. After marriage, her husband Amit Kumar, along with his family members father Surendra Kumar, mother Kiran Devi, sisters Priyanka Devi and Pinki Devi, and other relatives started mentally and physically harassing her for dowry. They demanded Rs.10 lakh and subjected her to regular abuse, assault, and threats. She was also thrown out of the house multiple times, even at night. On 08/02/2026, her husband came to my parental home in an intoxicated state and forced her to sign on a blank paper, threatening to remarry. When she refused, he assaulted her. Her family members intervened, after which he fled. Later, she came to know that her husband secretly performed a second marriage without divorcing her, with the involvement and support of his family members.</p> <p>(4) Learned counsel for petitioners has submitted that, the petitioners have not filed any regular or anticipatory bail petition before the learned Sessions Judge, Bhagalpur or before the Hon'ble High Court, Patna, except this Bail Petition. Further, he submits that there is no criminal antecedent of petitioners. Further he submits that the petitioners are innocent and they have committed no offence as alleged in FIR and the</p>	

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Judge XVI
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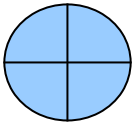
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<p>Contd. 17.04.2026</p> <p>Contd. 17.04.2026</p>	<p>case is filed with malafide intention and prosecution story is false, concocted case. Further, he submits that petitioners that all the petitioners are in-laws of the informant. There is general and omnibus allegation of demand of rupees ten lakh by the petitioners. Real fact is that the informant Sujata Kumari and Amit Kumar both were in love with each other and solemnized their love marriage in the year 2013 and after marriage both are lived separately in Delhi. Further, he submits that petitioners are no concern with the second marriage of informant husband Amit Kumar and they have no knowledge about the second marriage of informant husband with other girl. Petitioners being members of laws house still today ready to keep the informant with her daughter in their house at Ramgadh (Jharkhand) with due respect and dignity if she wants to lead her conjugal life in her matrimonial house. Further, he submits that the petitioners shall abide terms and conditions as per the law laid down U/S 482(2) of the B.N.S.S. Therefore, petitioners may kindly be granted anticipatory bail.</p> <p>(5) On the other hand, Id. APP has opposed the aforesaid prayer.</p> <p>(6) Heard both sides and perused the record. From which it transpires that, F.I.R. has been registered for the offences punishable U/S 85, 126(2), 115(2), 352, 351(2), 351(3), 3(5) of B.N.S. out of which offences punishable U/S 85 of B.N.S. is non bailable in nature. Accused-petitioners are FIR named accused and there are specific allegations of torture and demand of dowry against them. Petitioners are in-laws of informant. Para 2 of up to date case diary contains restatement of informant and para 3, 4, 8 of up to date case diary contains statement of prosecutions' witnesses, who have supported the case of prosecution in their respective statements. I.O. has not reported nothing about criminal antecedents against petitioners in up to date case diary. Investigation is still going on against petitioners.</p> <p>(7) In considering an anticipatory bail application the Court must balance the liberty of the individual with the administration of justice. The factors ordinarily considered include the nature and gravity of the accusation, the severity of the punishment, the antecedents of the accused, the possibility of the accused fleeing from justice or tampering with witnesses or evidence, the requirement of custodial interrogation, and whether the investigation is complete. Where the offences are serious and non-bailable there is no bar to granting anticipatory bail, but the grant must be on appropriate terms and after satisfaction on the above factors.</p> <p>(8) Now when this Court applies aforesaid settled principle of law governing anticipatory bail to the facts and materials available on record it transpires that;</p> <p>(i) Nature of allegation: The allegation against the petitioners is of cruelty, demand of dowry and assault. Offence under Section 85 of B.N.S. is non-bailable. Allegations</p>	
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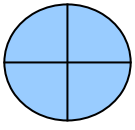
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Contd. 17.04.2026	<p>relate to matrimonial dispute.</p> <p>(ii) Material on record: The petitioners are FIR named accused. The restatement of the informant and statements of witnesses support the prosecution case to the extent of harassment and demand of dowry. However, most of the allegations are general in nature against all family members.</p> <p>(iii) Role of petitioners: Undoubtedly, the petitioners are in-laws of the informant. Specific overt act has not been clearly attributed to each petitioner separately. Allegations appear omnibus in nature.</p> <p>(iv) Antecedent: The petitioners have no criminal antecedent. This is a factor in their favour.</p> <p>(v) Stage of case: Investigation is still going on. However, statement of informant and other material witnesses has already been recorded by I.O. during investigation.</p> <p>(vi) Defence plea: The defence of petitioners that the marriage was love marriage and parties were living separately is a matter of trial. However, this defence shows existence of matrimonial dispute between parties.</p> <p>(vii) Custodial interrogation: Considering the nature of allegation and relationship between parties, custodial interrogation of the petitioners does not appear necessary at this stage.</p> <p>(viii) Overall assessment: Considering the general nature of allegation, absence of antecedent of petitioners, petitioners being in-laws of informant, matrimonial nature of dispute and stage of investigation, this Court finds it a fit case to grant anticipatory bail.</p> <p>(9) Hence, in view of above discussions & reasons the prayer for anticipatory bail of the petitioners 1. Sumitra Devi, W/o late Jagdish Ram, 2. Rudli Devi @ Rudhwa, S/o late Jagdish Ram, 3. Kiran Devi, W/o Surendra Kumar, 4. Priyanka Devi @ Priyanka Kumari, W/o Mukesh Kumar, 5. Pinki Devi @ Pinki Kumari, wife of Rajesh Kalindi, 6. Surendra Kumar, son of Jagdish Ram, 7. Bharti Devi wife of Sandeep Ram, is hereby, allowed.</p> <p>(10) Accordingly, it is directed that, in the event of arrest or surrender before the Court within 30 days, the petitioners 1. Sumitra Devi, W/o late Jagdish Ram, 2. Rudli Devi @ Rudhwa, S/o late Jagdish Ram, 3. Kiran Devi, W/o Surendra Kumar, 4. Priyanka Devi @ Priyanka Kumari, W/o Mukesh Kumar, 5. Pinki Devi @ Pinki Kumari, wife of Rajesh Kalindi, 6. Surendra Kumar, son of Jagdish Ram, 7. Bharti Devi wife of Sandeep Ram shall be released on anticipatory bail upon furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.–I, Bhagalpur, on 17.04.2026.</p>	
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Contd. 17.04.2026	<p>connection with Akbarnagar P.S. Case No. 39/2026, subject to the following conditions under Section 482(2) BNSS:</p> <ol style="list-style-type: none">The petitioners shall cooperate in the trial and shall not cause any delay in the trial.The petitioners shall not induce, threaten or promise any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to the police.The petitioners shall not tamper with evidence in any manner.The petitioners shall ensure that the informant, upon returning to matrimonial home, is not subjected to any harassment or assault.The petitioners shall maintain peace and shall not involve themselves in any offence of similar nature during the period of bail.The petitioners shall file a written undertaking on affidavit before the learned A.C.J.M.–I, Bhagalpur, stating that they shall keep the informant with full dignity, honour, and safety in the matrimonial home, and shall not subject her to any physical or mental cruelty or harassment.It is further directed that in the event the petitioners violate the aforesaid undertaking, and if the informant files a written information/complaint before the learned trial court alleging any act of cruelty, harassment, or ill-treatment, then the learned trial court shall be at liberty to pass appropriate order in accordance with law, including cancellation of bail bonds of petitioners.The petitioners shall furnish their mobile number, and email ID (if any) on the bail bond and shall keep the mobile number active and in case of change of their mobile number, and email ID (if any), the same shall be duly intimated to the Id. Trial Court. <p>(11) With the above observations and directions, the anticipatory bail application stands allowed.</p> <p>(12) The observations made in the present bail petition order are for the purpose of deciding the present petition and do not affect the factual matrix of trial of the present case, which is separate issue as per law.</p> <p>(13) O.C. is directed to send a copy of this order to the Id. Trial Court at once for compliance and needful.</p> <p style="text-align: right;">(Dictated)</p> <p style="text-align: right;">Sd (Sandeep Singh) D.A.S.J., XVI, Bhagalpur 17.04.2026</p>
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