

Kursela P.S. Case No. 296/2025
U/S 305/82 (1), (2)/84/ 318 (3), (4)/308/316 (1), (2), 103/3 (5) of B.N.S.
Accused Name- Babita Kumari and others
P.O.-Asutosh Rai. A.S.J.-II, Katihar
A.B.P. NO. 180/2026

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IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE-II
DISTRICT-Katihar
(A.B.P. No. 180/2026)

In the matter of

1. Babita Kumari and 2. Amit Kumar

.....**Accused/petitioner.**

Vs

State of Bihar.....Opposite Party.

Kursela P.S. Case No. 296/2025

U/S- 305/82 (1), (2)/84/ 318 (3), (4)/308/316 (1), (2), 103/3 (5) of B.N.S.

Ld. Advocate for petitioner- Shri Ramesh Prasad Jaiswal

Ld. A.P.P. for the State- Shri Md. Azaj Alam

ORDER

02.05.2026- This anticipatory bail petition has been filed on behalf of the accused-petitioner namely Babita Kumari and Amit Kumar who are apprehending their arrest in connection with aforesaid case.

Heard the Ld. counsel Shri Ramesh Prasad Jaiswal appearing on behalf of the petitioner and Ld. A.P.P. Shri Md. Azaj Alam on behalf of the state.

According to F.I.R., prosecution case in nutshell is that first of all, informant to this case namely Pappu Kumar @ Pappu Kumar Mandal lodged a written complaint before Ld. C.J.M., Katihar and same was sent to the S.H.O., Kursela for instituting a case and on the basis of written complaint, instant case was instituted against the petitioners namely Babita Kumari and Amit Kumar and some other accused persons. Informant has alleged in his petition inter alia that under the conspiracy his marriage was solemnised on 15.05.2019 with Babita Kumari and in the said conspiracy other accused named in F.I.R. were also involved. Informant has further alleged that Babita Kumari used to always quarrel with him after calling the other accused persons and under some pretext, she used to go her parental house due to which, he and his parents feel humiliation. Informant has further alleged that on dated 13.07.2019, Babita Kumari went away with Amit Kumar by committing theft theirs silver and gold ornaments. But again on dated 17.08.2019, he came back with all accused and all accused told that she will not do again and after that she stayed at the house up to two days and on dated 20.08.2019 went out of the house by saying that she is going to her parental house and also told that she will come back with all ornaments but she did not return then informant went his in-laws' house then all accused persons brutally assaulted to him. Further, on dated 06.09.2021, in the presence of respectable persons she execute an ekrarnama to this effect that she does not want to live with informant. After that all accused persons started demanding Rs. 6,00,000/- in rangdaari due to which informant and his other family members fell into anxiety. Later on, informant wants to bring back his wife but Babita Kumari refused to come back. Informant has further alleged that later on, Babita Kumari solemnised her marriage with accused namely Amit Kumar due to which his father used to hear the taunt of the people of the society and due to that very reason, he

feels insult and due to that very reason, he faced heart attack and died on 25.10.2023. Informant has further alleged that he has also paid Rs. 20,000/- to Babita Kumari for maintenance as per order of court. But Babita Kumari is demanding Rs. 30,00,000/- for compromise in the Maintenance Case No. 1214/2023. Informant has further alleged that Babita Kumari has also gave birth to one child with wedlock of Amit Kumar.

On the other side learned counsel for the petitioner has reiterated all the grounds taken in the bail petition and has submitted that the allegation as levelled against the petitioners are false and baseless. Real fact is that Babita Kumari had been driven out from her matrimonial home after subjecting to cruelty and keeping her belongings and ornaments. Informant has solemnised his second marriage with one Manisha Kumari and he is not paying maintenance as per the order of Ld. Additional Principal Judge, Katihar and this case has been filed only with view to save skin from the Maintenance Case No. 358/2022 as well as C.A. No. 1214/2023. He has further submitted that no case is made out U/s 103 of B.N.S. Act. Accordingly, it has been prayed to allow the anticipatory bail petition.

Per contra, Learned A.P.P. has vehemently opposed the prayer for anticipatory bail.

Heard both the parties and perused the case record. From perusal of the case record it is evident that no case is made out U/s 103 of B.N.S. Act and allegation relating to theft appears to be super-addition with view to make the case more serious. Moreover, from record it appears that due to strained relation between both the parties, this case has been brought into existence and as per bail petition, petitioners have got no bad antecedent.

So having considered the above facts and submissions made by the Ld. Counsel for the petitioner, the instant anticipatory bail petition is hereby allowed and accordingly it is ordered to release the petitioner namely **1. Babita Kumari and 2. Amit Kumar** on bail in the case of surrender/arrest within three weeks of this order on furnishing of bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court concerned subject to the condition as mentioned in the section 482 (2) of B.N.S.S.

**Addl. Sessions Judge-II
Katihar**

Memo No..... Dated.....

Copy forwarded to the concerned court, Katihar.

**Addl. Sessions Judge-II
Katihar**