

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE, SITAMARHI.

Dated, Sitamarhi, the 10<sup>th</sup> March 2026.

Present:- Dinesh Sharma, Principal District & Sessions Judge, Sitamarhi.

A.B.P No. 309/26.

**Suman Kumari @ Suman Kumari Rani V/s State of Bihar.**

In the matter of :-

**Suman Kumari @ Suman Kumari Rani, W/o- Vinod Kumar, R/o- Izrahia, P.S- Riga, Distt.Sitamarhi. ....Petitioner.**

**V/S**

**State of Bihar.....Opposite Party.**

Appearance:

For the petitioner:- Sri Subhash Kumar Mishra, Advocate.

For the State:- Sri Prafulla Kumar Jha, I/C P.P.

Date of order or proceeding.	Order with the signature of the court.	Office action taken with date.
<u>10.03.2026.</u>	<p>This anticipatory bail petition has been filed on behalf of the petitioners namely, Suman Kumari and Vinod Kumar in connection with Sitamarhi Mahila PS Case No. 54/25 registered u/ss: 85, 82(1),115(2),126(2), 351(2), 352, 3(5) of BNS and 3/4 D.P Act, 1961.</p> <p>2. Heard the learned counsel for the petitioners and the learned I/C PP for the State.</p> <p>3. It is submitted by the learned counsel for the petitioners that the petitioners is quite innocent and has falsely been implicated in this case. All the allegations levelled against the petitioners are false and baseless. It is further submitted that the Petitioner No. 2 Vinod Kumar is employed as government teacher and has long ago separated from his parents, brother and family and is living separately with his children. The petitioners have no criminal antecedent. On these grounds, the learned counsel prayed to grant anticipatory bail to the petitioners.</p> <p>4. On the other hand, the learned I/C PP has opposed the prayer for bail.</p> <p>5. Rival submissions considered. Record perused.</p> <p>6. The prosecution case, in short, as per written application of the informant namely, Bharti Kumari is that her marriage was solemnized on 27.06.2016 as per Hindu rites and rituals. Her father</p>	

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gave her 7 Lakh rupees as dowry and a gold chain and ring. After marriage she moved in with her husband home where her mother-in-law, father-in-law and sister-in-law all lived there. From the very first night of her marriage, she realized that her husband was extremely cruel and brutal and pressuring her to have unnatural sex and would remain drunk day and night and consume a lots of drugs. Her husband ask her father to give her his laptop and bike every day, and after her parents gave him time, he would beat the informant. In 2018, informant had a daughter then her mother-in-law, sister-in-law harassed her by saying "Abhagani". When informant daughter was only 3 months old, her husband abandoned her and her daughter. After some time she returned to her in law's house. In 2020 she had a Son. Again after some time her in-laws started harassing her. Thereafter, she shifted to Patna to prepare for the BPSC exam. Later on 25 February 2025, she came to know from social media that her husband had married with another woman while she was alive, without taking divorce.

7. The petitioners are Suman Kumari who is the 'Jethani' and 'Vinod Kumar' is Bhasur of the complainant. During the course of investigation the police did not arrest the petitioner and gave them benefit of Section 35(3) of the BNSS. The chargesheet in this case has been filed without arresting the petitioners. Now, the Ld. Trial Court has taken cognizance of the offence and issued summons only.

8. The law is settled that once the accused is not arrested during investigation and chargesheet is filed without arresting him ordinarily he should not be arrested/taken into custody. When he appears pursuant to the summon issued to him.

9. Though anticipatory bail application is maintainable even upon issuance of summon.

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However, the fact remain that whether the accused persons should straight away approach the Session's Court and the Hon'ble High Court by way of ABP or should apply for regular bail.

10. To reduce the the pendency and unburden the Session Court and the Hon'ble High Court, the legislature in its wisdom have inacted Secion 35(3) of the BNSS and have passed a series of judgements for example in the case of "Satendra Kumar Antil Vs. Central Bureau of Investigation & Anr. SLP No. 4191/2021, Arnesh Kumar Vs. State of Bihar & Anr.,(2014) 8 SCC 273, Md. Asfak Alam Vs. State of Jharkhand & Anr., (2023) LiveLaw (SC) 583.

11. However, it appears that the Ld. Counsel appearing for the accused persons ~~is~~ <sup>are</sup> not acquainted with the case law or have not gathered sufficient courage to appear before the Ld. Trial Court and to seek regular bail.

12. This Court has no difficultly in granting anticipatory bail to the petitioner by writing two sentences. This Court can easily grant bail to the petitioner. This Court has taking pains to write an elaborate order to instill confidence in the Ld. Counsels for the accused persons so that they may appear before the Ld. Trial Court.

13. <sup>live</sup> Upon receipt of summons in the cases <sup>live</sup> in present one should seek regular bail thereby unburdening dockets of the Sessions Courts and the Hon'ble High Court since the petitioner was not arrested during the course of investigation and the Ld. Trial Court has only issued summons, therefore, the prayer for anticipatory bail of the petitioners is allowed.

14. In the event of arrest or surrender in the correction of this case, the petitioners be released on bail subject to his furnishing bail-bonds in the sum of Rs. 5,000/- (Five Thousand)

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with two sureties of the like amount to the satisfaction of the learned Trial Court.

15. It is hoped that the Ld. Counsel appearing for the petitioner in this case would appear before the Ld. Trial Court next time, if an accused of similar nature of case engages him.

16. The petition stand disposed of in the above terms.

(Dictated)



(DINESH SHARMA)  
Principal Sessions Judge,  
Sitamarhi  
10.03.2026.

Date of Judgment /Order	10.03.2026.
Date of Reserving Judgment/Order	10.03.2026
Uploading Date	12/10/2026
Uploaded by	Purushottam Kumar