

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52691 of 2024

Arising Out of PS. Case No.-75 Year-2020 Thana- GANGTA District- Munger

1. Tanuja Kumari @ Tanuja Devi, Wife of Gopal Kumar Yadav @ Shashi Kant Yadav Resident of Village - Dariapur, P.S.- Gangta, District - Munger.
2. Anjani Kumari @ Anjana Kumari, Daughter of Vijay Yadav Resident of Village - Dariapur, P.S.- Gangta, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar Singh

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-09-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 302, 341, 323, 324, 307, 504, 337, 338 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and are women. It is next submitted that allegation of assault against the petitioners is not specific rather in the FIR, specific allegation of assault is alleged against the named accused persons. Further, occurrence is alleged to have taken place on a trivial dispute



relating to flowing of water and land dispute. Further, Pankaj and Raj Kumar, who were assaulted by accused persons along with Dilkhush were taken to hospital where Raj Kumar died during the course of treatment.

4. It is thus submitted that no specific allegation of assault is alleged against the petitioners. It is also submitted that police after threadbare investigation came to a considered conclusion that petitioners are innocent and thus, submitted final form exonerating them of the allegation, but then, the learned Magistrate differing with the police report took cognizance and thus petitioners apprehend their arrest. It is further submitted that since final form was submitted and thereafter cognizance came to be taken, hence the petitioners were not aware about the order taking cognizance nor the petitioners ever received any summons after the cognizance came to be taken. It is also submitted that once an Investigating Agency after threadbare investigation came to a considered conclusion that petitioners are innocent whether it would be prudent for this Court to send the petitioners to jail based on an order of cognizance, which came to be taken based on the same investigation which exonerated the petitioners of the allegation. It is also submitted that no doubt, process under Section 82 Cr.P.C. has been issued,



but then, as recorded herein above, the petitioners were completely unaware that cognizance came to be taken after submission of final form, nor they received any summons.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III, Munger in connection with Gangta P. S. Case No.75 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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