

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65798 of 2024

Arising Out of PS. Case No.-81 Year-2024 Thana- BIRPUR District- Supaul

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1. Rajesh Kumar Yadav Son of Late Darogi Yadav R/O Vill.- Banailipatti ward no -3, P.S.- Birpur Dist.- Supaul.
 2. Manish Yadav Son of Late Darogi Yadav R/O Vill.- Banailipatti ward no -3, P.S.- Birpur Dist.- Supaul.
 3. Manju Devi @ Pinki Kumari @ Pinki Devi Wife of Rajesh Kumar Yadav R/O Vill.- Banailipatti ward no -3, P.S.- Birpur Dist.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha
For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-10-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 149, 188, 323, 332, 353, 504, 506 of the Indian Penal Code.
3. The allegation against the petitioner no.1 is that he was smuggling drugs and other things from Nepal to India and after seeing the raiding party he threw those goods in a field and fled away towards Nepal. The allegation against the petitioner nos.2 and 3 is that they tried to assault the raiding party and also instigated the unknown persons to assault the raiding party. They also tried to snatch the arms and ammunition and vehicles



of the raiding party and also snatched the goods thrown by the petitioner no.1.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. He further submits that the petitioner no.3 is a female. Petitioners have no criminal antecedent.

5. Learned APP for the State opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case as well as considering the nature of offence, I am not inclined to enlarge the petitioner no.1 and 2 on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

7. However, as the petitioner no.3 is a female, let the above named petitioner no.3, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court



below where the case is pending/Successor Court in connection with Birpur P.S. Case No.81 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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