

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18311 of 2025

Arising Out of PS. Case No.-217 Year-2024 Thana- DUMARIAGHAT District- East
Champaran

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1. Rajpati Devi W/O Balister Yadav @ Balister Rai Resident of Village-
Dumariya, PS- Dumariyaghat, District- East Champaran
 2. Balister Yadav @ Balister Rai S/O Wakil Yadav Resident of Village-
Dumariya, PS- Dumariyaghat, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Karandeep Kumar, Adv.
For the State	:	Mr. Pradeep Narain Kumar, APP.
For the Informant	:	Mr. Suraj Kumar Tiwari, Adv. Mr. Akshay Tripathi, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 19-06-2025 Heard learned counsel for the petitioners, learned APP for
the State and learned counsel appearing for the informant.

2. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 126, 115,
118, 109, 76, 303, 352 and 3(5) of the B.N.S., 2023.

3. The allegation is that all the FIR named accused
persons including the petitioners were indulged in hurling
abuses and assaulting the informant's wife on account of a
dispute between the parties for cutting of soil from the land of
the informant. It has further been alleged that the allegation on
petitioner no.1 is that of assaulting the wife of the informant



causing injuries to her while the allegation on petitioner no.2 is that of outraging her modesty.

4. Learned counsel for the petitioners submits that the incident has taken place at the spur of the moment and it would be apparent from the FIR itself that there was a dispute between the parties with regard to cutting of soil. Although the allegation on petitioner no.1 is that of assaulting the informant's wife, but the injuries sustained by her shows that most of the injuries are in the nature of bruise, abrasion and complain of body ache. However, the fourth injury of the injured is in the nature of an incised wound on the front of the skull, but the same has been caused by a hard and blunt object with sharp edge and the injuries are all simple in nature. It is further submitted that petitioner no.1 is a lady and she has falsely been implicated with an overt act. So far as petitioner no.2 is concerned, there is no allegation of assault etc., upon him. It next submitted that there is case and counter case between the parties which has been indicated in paragraph 8 of the petition and in the facts of the case, Section 109 of the BNS, 2023 is not attracted.

5. Learned APP for the State and learned counsel for the informant vehemently oppose the prayer for anticipatory bail.



6. Considering the aforesaid facts and circumstances of the case, I am inclined to grant the privilege of anticipatory bail to the petitioners. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Dumariyaghat P.S. Case No.217 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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