

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19312 of 2025

Arising Out of PS. Case No.-423 Year-2024 Thana- GOGRI District- Khagaria

1. Fultan Tanti Son of Late Umesh Tanti Resident of Village - Muskipur South Tola, Ward No.36, P.S. - Gogri, District - Khagaria
2. Sita Devi Wife of Fultan Tanti Resident of Village - Muskipur South Tola, Ward No.36, P.S. - Gogri, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate
For the Opposite Party/s : Mrs. Sucheta Yadav, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-04-2025 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The present Cr. Misc. Application has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioners who apprehends their arrest in connection with Gogri P.S. Case No. 423 of 2024 lodged on 26.11.2024, for the offence punishable under Sections 126(2), 115(2), 118(1), 109, 352 & 3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as "BNS, 2023").

3. As per the prosecution, FIR has been lodged against the present petitioners against whom there is allegation that they



have assaulted the informant with iron rod due to which, informant sustained injury.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel also submits that petitioner no.1 and the informant are full brothers and land dispute is going on between the parties. Counsel submits that as per the FIR, the alleged date of occurrence is 21.11.2024, whereas, the FIR has been lodged on 26.11.2024 i.e. after lapse of 5 days. Counsel further submits that the petitioners have no criminal antecedent.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that as per the FIR, there is direct allegation of assault against petitioner no.1.

6. As such, in the present facts and circumstances of this case, let the above named petitioner no.2 namely, Sita Devi be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Chief Judicial Magistrate, Khagaria, in connection with Gogri P.S. Case No. 423 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.



7. So far as petitioner no.1 namely, Fultan Tanti is concerned, this Court is not inclined to grant bail to him. Accordingly, the prayer for anticipatory bail of the petitioner no.1 is hereby rejected.

(Dr. Anshuman, J)

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