

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25134 of 2025

Arising Out of PS. Case No.-427 Year-2024 Thana- BAHERI District- Darbhanga

1. Durga Devi W/O Gauri Shankar Mahto R/O Village and Post-Baheri, P.S-
Baheri, District- Darbhanga.
2. Chittaranjan Suman S/O Gauri Shankar Mahto R/O Village and Post-Baheri,
P.S- Baheri, District- Darbhanga.
3. Lakshmi Kumar S/O Gauri Shankar Mahto R/O Village and Post-Baheri,
P.S- Baheri, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Devendra Kumar
For the Opposite Party/s :	Mr. Uma Shankar Prasad Singh- A.P.P.
	Mr. Sameer Darshan
	Ms. Anuradha Kumari
	Ms. Sujata Sinha
	Ms. Shalu Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 18-08-2025 1. Heard learned counsel for the petitioners, learned
APP for the State and the learned counsel appearing on behalf of
the informant.
2. The petitioners seek bail in anticipation of their
arrest in Baheri P. S. Case No.427 of 2024 registered for the
offences punishable under Sections 126(2), 115(2), 118(1), 109,
117, 303(2), 352, 351(2), 3(5) of the B.N.S.
3. The learned counsel for the petitioners submits that
the petitioner nos.1 and 3 are women and petitioner nos.1 is a
person with clean antecedent and against petitioner nos.2 and 3,



one informatory petition has been filed and the informant alleges that he runs a hardware shop. It is next alleged that Ghanshyam on 01.12.2024 had gone to the house of his uncle to buy some goods, on which informant asked Ghanshyam to pay his dues of Rs.4500/- on which family members of his uncle got irked and petitioner no.2 and Navin assaulted the informant by khanti causing injury on head. Thereafter, Navin and Lakshmi (petitioner no.3) assaulted the father of the informant by khanti causing injury on head and fracture of both legs. Thereafter, Navin assaulted his brother by khanti all over his body and the accused snatched his locket worth Rs.15,000/-.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that no specific allegation is alleged against the petitioner no.1 and petitioner no.3 is alleged to have assaulted the father of the informant along with Navin causing fracture injury of both legs and injury on head, but then, it is submitted that the injury report does not record that leg of the father of the informant also got fractured. It is also submitted that thrust of the allegation of assaulting the father of the informant and his brother is on Navin. It is next submitted that the informant received simple injury and from the side of the



petitioners, Baheri P. S. Case No. 429 of 2024 has been instituted against the side of the informant. It is also submitted that FIR was instituted on 04.12.2024 and process under Section 82 Cr.P.C. was issued on 23.01.2025. It is submitted that purpose of issuing process under Section 82 Cr.P.C. is to ensure presence of the accused before the Court and not to aid the police in investigation. It is further submitted that petitioners have moved before this Court by filing Cr. Misc. No.30215 of 2025 seeking quashing of the order by which process under Section 82 Cr.P.C. has been issued. It is submitted that by order dated 05.08.2025 passed by the learned Coordinate Bench in Cr. Misc. No.30215 of 2025, the LCR has been called. It is next submitted that in serious cases, the police does not obtain process under Sections 82 and 83 Cr.P.C., but in a case of the present nature, the police was in a hurry.

5. At this stage, the learned A.P.P. submits that since LCR has been called in Cr. Misc. No.30215 of 2025, as such, for the present, petitioners do not have any apprehension of arrest.

6. At this stage, the learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with liberty to file a fresh, if need arises.



7. Permission is accorded.

8. Accordingly, instant petition is dismissed as
withdrawn with the liberty aforesaid.

(Satyavrat Verma, J)

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