

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26000 of 2025

Arising Out of PS. Case No.-22 Year-2024 Thana- Basmatia District- Araria

Rinku Devi Wife of Om Prakash yadav Resident of village- Bela ward no 8,
Basmatiya, Ps- Basmatiya, Dist- Araria

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Union of India, 56 Bn Batalion, Bathnaha, S.S.B. Araria, Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 27247 of 2025

Arising Out of PS. Case No.-22 Year-2024 Thana- Basmatia District- Araria

Om Prakash Yadav S/o Kewal Yadav R/o vill - Bela ward no.8, Basmatiya,
P.S.- Basmatiya, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 28192 of 2025

Arising Out of PS. Case No.-22 Year-2024 Thana- Basmatia District- Araria

Kusheshwar Yadav S/o Kewal Yadav R/o vill - Bela ward no. 8, Basmatiya,
P.s.- Basmatiya, Distt.- Araria

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Union of India through the 56Bn Batalion Bathnaha, S.S.B., Araria, Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 26000 of 2025)
For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
: Mr. Kumar Rajdeep, Advocate
: Ms. Diksha Kumari, Advocate
: Mr. Arvind Kumar, Advocate
For the State : Mr. Ram Priya Sharan Singh, APP
For the UOI : Mr. Ravi Kumar, CGC
(In CRIMINAL MISCELLANEOUS No. 27247 of 2025)
For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
: Mr. Kumar Rajdeep, Advocate
: Ms. Diksha Kumari, Advocate
: Mr. Arvind Kumar, Advocate



For the State : Mr. Dr. Mrityunjaya Kr. Gautam, APP
For the UOI : Mr. Ravi Kumar, CGC
(In CRIMINAL MISCELLANEOUS No. 28192 of 2025)
For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
: Mr. Kumar Rajdeep, Advocate
: Ms. Diksha Kumari, Advocate
: Mr. Arvind Kumar, Advocate
For the State : Mr. Dr. Mrityunjaya Kr. Gautam, APP
For the UOI : Mr. Ravi Kumar, CGC

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 03-09-2025 Heard Mr. N.K. Agrawal, learned Senior Counsel for
the petitioner and learned APPs representing the State.

2. The petitioners are apprehending their arrest in connection with Basmatiya P.S. Case No. 22 of 2024 for the offence punishable under Sections 8(c), 21(b), 22 and 23 of the Narcotic Drugs & Psychotropic Substance Act, lodged on 24.07.2024 by the informant Surendra Singh Samyawal.

3. At the outset, learned Senior Counsel for the petitioners submit that so far as the **Cr. Misc. No. 27247 of 2025 (Om Prakash Yadav vs. The State of Bihar)** and **Cr. Misc. No. 28192 of 2025 (Kusheshwar Yadav vs. The State of Bihar)** is/are concerned, the same may be permitted to withdrawn.

4. Accordingly, the aforesaid two anticipatory bail applications are dismissed as withdrawn without prejudice.

Cr. Misc. No. 26000 of 2025

5. As per the prosecution story, on secret information



the house of the accused was raided and there is/are recovery of 22 gram Brown Sugar. As the house is fitted with CCTV all the accused escaped. This led to the F.I.R.

6. Learned counsel for the petitioner submits that the house is being run by the husband Om Prakash Yadav, she is a house wife have no role to play in the matter, has no criminal antecedent and only because belongs to the same family, implicated. Further, the seized Brown Sugar is much below the commercial quantity.

7. Learned APP on the other hand opposes the prayer for bail submitting that being part of the said family, she cannot exonerate herself from the accusation that has come against her.

8. Considering the submission of the parties as also the fact that the main accused are Om Prakash Yadav as also his brother Kusheshwar Yadav, who has been implicated, she is a house wife having no criminal antecedent, the seized materials is below the commercial quantity, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

9. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the



satisfaction of learned District & Sessions Judge, Araria, in connection with Basmatiya P.S. Case No. 22 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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