

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43352 of 2025

Arising Out of PS. Case No.-139 Year-2024 Thana- GAMAHARIYA District- Madhepura

1. Binda Devi W/O Kapildeo Yadav Resident of Village- Gamhariya (Gamharia) Ward No -10 P.S -Gamhariya (Gamharia) District- Madhepura
2. Ghana Devi @ Dhana Devi W/O Jagdish Yadav Resident of Village- Gamhariya (Gamharia) Ward No -10 P.S -Gamhariya (Gamharia) District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 28-07-2025

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Gamahariya (Gamharia) P.S. Case no.139 of 2024 registered under sections 109, 126(2), 115(2), 352, 351(2), 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution case, the informant states that on going to his agricultural land in question along with his brother and his brother's wife, he saw the eight named accused persons including the two petitioners herein cultivating the land. It is further stated that on protest by the informant while



Kapildeo Yadav assaulted the informant's brother, Ashish Kumar assaulted the informant with a *lathi*.

4. Learned counsel for the petitioners submits that the petitioners, who are ladies, have been falsely implicated in the case. From the contents of the F.I.R. itself it would be evident that the dispute is one of land dispute between the parties. It is further submitted that no overt act has been alleged so far as these petitioners are concerned. The petitioners have no criminal antecedent and some of the co-accused have been enlarged on bail vide order dated 4.3.2025 (Annexure-P/3) passed in Cr. Misc. no.3587 of 2025.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioners in the F.I.R., no overt act having been alleged against the petitioners who are ladies as also the petitioners not having any criminal antecedent, it is directed that both the petitioners above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Gamhariya (Gamharia) P.S. Case no.139 of 2024 on each of them furnishing bail bond



of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the
like amount each to the satisfaction of the learned Chief Judicial
Magistrate, Madhepura.

(Partha Sarthy, J)

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