

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3096 of 2026

Arising Out of PS. Case No.-231 Year-2025 Thana- Kharagpur District- Munger

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1. Chhatiya Devi Wife of Bechan Mandal Resident Of Village- Dularpur Ps- Kharagpur, Dist- Munger
 2. Sabita Bharti wife of Sunil Mandal Resident Of Village- Dularpur Ps- Kharagpur, Dist- Munger
 3. Anjali Devi @ Anjali Rai Wife of Gulsan Kumar Resident Of Village- Dularpur Ps- Kharagpur, Dist- Munger
 4. Indu Kumari @ Indu Devi wife of Vakil Mandal Resident Of Village- Dularpur Ps- Kharagpur, Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar No.1, Advocate
	:	Mr. Amaresh Kumar, Advocate
	:	Ms. Anamika Anshu, Advocate
	:	Ms. Shambhavi Mansi, Advocate
For the State	:	Mr. Ram Priya Sharan Singh, APP
For the Informant	:	Mr. Sanjeev Kumar, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 28-01-2026 Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 190, 126(2), 117(2), 74, 109, 103(1) of the B.N.S.

3. The allegation in the First Information Report is that the accused persons assaulted the informant's father with iron rod and *khanti* resulting in serious injury eventually causing his death.



4. Learned counsel for the petitioners submits that it would be evident from the First Information Report itself that there is a specific allegation of assault upon the deceased on co-accused Gulshan Kumar and Vakil Mandal and with respect to other co-accused persons, there are specific allegations with regard to assaulting other persons. So far as the present petitioners are concerned, they are family members and the allegation against them has been made in a general fashion that they indulged in hurling abuses. It has thus been submitted that there is no allegation whatsoever of any kind of assault attributed to the petitioners and they have been made accused only because they are the family members of the co-accused.

5. Learned counsel for the informant has vehemently opposed the prayer for anticipatory bail pointing out that the proceeding under Section 82 of Cr.P.C. has been initiated against the accused persons, in response to the same it has been submitted by the petitioners that process under Section 82 of Cr.P.C. was initiated during pendency of the anticipatory bail application before the learned Court of the Sessions Judge, Munger, hence it should not cause any impediment in the consideration of the anticipatory bail.

6. Taking into consideration the facts and



circumstances and considering that there is eventually no specific allegation of assault attributed to these petitioners, who are family members of the co-accused as also considering the law laid down by the Hon’ble Supreme Court in the case of **Asha Dubey vs. State of M.P.**, reported in **2024 SCC OnLine 5633**, that there is no total embargo on consideration of anticipatory bail where process under Section 82 of Cr.P.C. has been initiated, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Kharagpur P.S. Case No. 231 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

(Soni Shrivastava, J)

anand/-

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