

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26887 of 2026

Arising Out of PS. Case No.-380 Year-2025 Thana- ATHMALGOLA District- Patna

1. Sita Devi W/o Navin Ray @ Navil Ray R/o vill - Kamarapar, P.S. - Athmalgola, Distt.- Patna
2. Gita Kumari W/o Nitish Kumar R/o vill - Kamarapar, P.S. - Athmalgola, Distt.- Patna
3. Nitish Kumar S/o Navin Ray @ Navil Ray R/o vill - Kamarapar, P.S. - Athmalgola, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-04-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Athmalgola P.S. Case No. 380 of 2025 lodged on 19.10.2025, for the offence punishable under Sections 126(2), 115(2), 118(2), 109(1), 74, 352, 351(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against six named accused persons including the present petitioners. It has been alleged in the FIR that petitioner no.1 threw the garbage on the street of informant. When the informant's wife



objected the same, then petitioner no.1 along with her daughter in law abused her. Subsequently, the accused persons have assaulted the informant's side, due to which, they sustained injuries.

4. Learned counsel for the petitioners submit that the petitioners are innocent and have committed no offence. Counsel submits that the petitioner nos.1 and 2 are females and allegation of assault is against other accused persons. Counsel submits that the petitioner's side have also filed a case against the informant's side bearing Athmalgola P.S. Case No. 379 of 2025. Counsel also submits that there is general and omnibus allegation against the petitioners. He further submits that the petitioners have clean antecedent.

5. Learned APP for the State opposes the prayer for bail of the petitioners.

6. In the present facts and circumstances of this case, considering this aspect that petitioner nos.1 & 2 are females, therefore, let the petitioner no.1 namely, Sita Devi and petitioner no.2 namely, Gita Kumari 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) each as mentioned in



Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of S.D.J.M., Barh, Patna, in connection with Athmalgola P.S. Case No. 380 of 2025, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023.

7. So far as petitioner no.3 namely, Nitish Kumar is concerned, this Court is not inclined to grant bail to him. Accordingly, the prayer for anticipatory bail of the petitioner no.3 stands rejected.

8. However, if petitioner no.3 surrenders before the concerned Trial Court within a period of 4 weeks from today then in that case, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day, without being prejudice that the anticipatory bail of the petitioner no.3 has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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