

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38412 of 2026

Arising Out of PS. Case No.-142 Year-2026 Thana- DUMRA District- Sitamarhi

Rita Devi Wife of Rajiv Rai @ Rajiv kumar Resident of village - Sira, P.S.-
Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 41124 of 2026

Arising Out of PS. Case No.-142 Year-2026 Thana- DUMRA District- Sitamarhi

Rahul Kumar S/O Manoj Rai Resident of Village - Sira, Saura, P.S. - Dumra,
District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 38412 of 2026)
For the Petitioner : Mr. Ayush Kumar, Adv
For the State : Mr. Narsingh Tanti, APP
For the Informant : Mr. Uday Kumar, Advocate
(In CRIMINAL MISCELLANEOUS No. 41124 of 2026)
For the Petitioner : Mr. Dinesh Jha, Adv
For the State : Mr. Nawal Kishore Prasad, APP
For the Informant : Mr. Uday Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

3 23-07-2026 Heard the learned counsel for the petitioners in both

the cases, the learned counsel appearing on behalf of the

informant in both the cases and the learned APP for the State in

both the cases.

2. Since both the cases arise out of the same Police

Station case, therefore the same have been listed and are being



heard together.

3. At the outset, when the matter has been called out the learned counsel appearing on behalf of the informant submits that processes under Sections 82 and 83 of the Cr.P.C. have been initiated/issued against the petitioners and therefore the present anticipatory bail petition are not maintainable. He submits that one of the co-accused namely, Sanjay Pandit @ Sanjay Kumar Pandit had filed Criminal Miscellaneous No. 41371 of 2026, however a Hon'ble Single Judge of this Court vide order dated 07.07.2026 after considering that the process under Section 82 of the Cr.P.C. has been issued against the petitioner, proceeded to dismiss the anticipatory bail petition as not maintainable in view of the decision of the Hon'ble Supreme Court of India in the case of *Lavesh v/s State (NCT of Delhi)* reported in 2012 08 SCC 730, *State of M.P. v/s Pradeep Sharma* reported in 2014 2 SCC 17, *Prem Shankar Prasad v/s State of Bihar* reported in 2021 SCC OnLine SC 955.

4. *Per contra*, the learned counsel for the petitioners submits that the processes under Sections 82 and 83 of the Cr.P.C. have been issued against the petitioners during pendency of the anticipatory bail petitions before the District



Court/concerned Court and therefore the anticipatory bail petitions are maintainable. Reliance has been placed on an order dated 04.07.2022 passed in Criminal Miscellaneous No. 38750 of 2021 (Santosh Yadav @ Santosh Kumar Yadav v/s State of Bihar) whereby the Hon'ble Single Judge of this Court proceeded to hold that even after issuance of process under Section 82 of the Cr.P.C., the anticipatory bail petition is maintainable.

5. Having considered the rival submissions and after going through the order dated 07.07.2026 passed in Criminal Miscellaneous No. 41371 of 2026, this Court is of the considered opinion that in the same case i.e. Dumra P.S. Case No. 142 of 2026 from which both the present bail petitions arise, a learned Co-ordinate Bench has dismissed the anticipatory bail petition, on the ground of its maintainability in view of issuance of process under Section 82 of the Cr.P.C. Therefore this Court, to maintain judicial parity is also of the view that the present anticipatory bail petitions are not maintainable and accordingly are dismissed.

shital/-

(Ritesh Kumar, J)

U		T	
---	--	---	--

