

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44371 of 2026

Arising Out of PS. Case No.-9 Year-2026 Thana- Khesar District- Banka

1. Namita Devi W/o Late Shamsheer Singh R/o Village- Kanimohi ,P.S-
Shambhuganj ,District Banka
2. Suruchi Kumari D/o Late Shamsheer Singh R/o Village- Kanimohi ,P.S-
Shambhuganj ,District Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chakrapani, Advocate
Mr. Madhuresh Singh, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-07-2026 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 126(2),
127(2), 115(2), 117(2), 109, 352, 351(2), (3) and 3(5) of the
BNS, 2023.

3. Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent and are women
and the informant alleges that on 05.02.2026 at 09:00 PM,
Satyajit came and started abusing, on protest petitioner no. 1
assaulted her by *dabia* causing injury on head, while Satyajit
assaulted her husband by butt of pistol on his nose and also bit



his nose, further petitioner no. 2 assaulted by *danda* causing injury on informant's hand, thereafter, Satyajit along with four named accused persons abused and threatened.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant on account of dispute relating to land. It is next submitted that from side of the petitioners, Khesar P.S. Case No. 62 of 2025 has been instituted against the informant and his side. It is also submitted that the date of occurrence is 05.02.2026 and the FIR came to be instituted on 09.02.2026 i.e. after a delay of four days. It is further submitted that no doubt one of the injuries of the injured has been opined to be grievous in nature, but then the said injury is on nose caused on account of assault made by Satyajit. It is next submitted that petitioner nos. 1 and 2, being related to Satyajit, came to be implicated. It is further submitted that even presuming what has been alleged is true without admitting then petitioner no. 1 is alleged to have assaulted the informant by *dabia* causing injury on head, but then the said injury has been opined to be simple in nature and the blow is not alleged to have been repeated.

5. Learned A.P.P. for the State opposes the anticipatory bail application of the petitioners and submits that



though it is submitted that injury on head of informant has been opined to be simple in nature, but then injury report is not on record, on which the learned counsel appearing on behalf of the petitioners, Mr. Chakrapani submits that injury on head of the informant is simple in nature.

6. The Court believes the submissions made by the learned counsel appearing on behalf of the petitioners.

7. At this stage, the learned counsel appearing on behalf of the petitioners further submits that process under Sections 82 and 83 Cr.P.C. has been issued against the petitioners, but then it is submitted that petitioners had approached the learned District Court in the month of March, 2026 seeking anticipatory bail, as such, petitioners were not absconding rather were availing their remedies available in law. It is also submitted that even allegation as alleged in the FIR is of not such a nature which prompted the police to seek process under Sections 82 and 83 Cr.P.C against women accused. It is next submitted that the learned Trial Court in mechanical manner, without appreciating the facts of the case, issued process under Sections 82 and 83 Cr.P.C. when this Court in catena of judgment has held that process under Sections 82 Cr.P.C. is to ensure the presence of the accused before the Court



and not to aid the police in investigation.

8. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Khesar P.S. Case No. 09 of 2026 subject to the conditions as laid down under Section 482 (2) of the BNSS.

9. However, it is made clear that if the injury suffered by the informant on head has been opined to be grievous in nature, in that event the informant would be at liberty to file an application seeking cancellation of the anticipatory bail granted to both the petitioners herein.

10. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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