

THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE- II, JAMUI  
SANJAY YADAV & 1 OTHER VS. THE STATE OF BIHAR  
A.B.A. NO. - 1477 Of 2025

ORDER

Present: Sudhir Sinha

10.04.2026

This anticipatory bail petition has been filed on behalf of Petitioner **1. Sanjay Yadav** and **2. Sarita Devi** who is apprehending arrest in Garhi P.S. Case No. 119/2025 registered u/s- 126(2), 115(2), 74, 76, 79, 308(3), 308(4), 303(2), 352, 351(2), 3(5) of B.N.S, the copy of which is served upon the Id. P.P.

The Id. Counsel for the petitioners has submitted that the petitioners are quite innocent. No other bail petition has been filed on behalf of petitioners u/s 482 or 483 of B.N.S.S either in this Id. Court or before the Hon'ble High Court, Patna except the present one. The petitioners have got no criminal antecedent. The police did not give notice u/s-35(3) of BNSS to the petitioners. All sections areailable except sections 74, 76, 308(4) and 303(2) of BNS which are super added and to make the offence non-bailable. The petitioner has committed no offence and has falsely been implicated in this case. The petitioners are persons of means, there is no chance of their absconding and they are ready to furnish bail bond to the satisfaction of the Id. Court. In such view the Id. Counsel prayed to admit the petitioners to anticipatory bail.

The Id. Addl. PP opposed the prayer for bail.

On perusal of the case diary it is clear that the petitioners are F.I.R. named accused persons. The prosecution case as per written information of Tinku Kumari @ Sanju Kumari is that on 20.07.2025 at 8:00 in the evening she was cooking at her house when her elder brother-in-law Sanjay Yadav son of Baleshwar Yadav suddenly came and stood behind her, she smelled alcohol, then he caught her hand and said you look beautiful, she opposed, then he said that he will leave her only on condition that she give him Rs. 2 lakh as her husband has earned a lot from outside, otherwise he will shout and defame her. She somehow fled inside her room but he also came and took Rs. 20 thousand kept in a box and caught her from behind. When she shouted loudly, her gotani Sarita Devi wife of Sanjay Yadav came and instead of saving her, she charged her to show off lots of gold chain and she

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snatched it from her neck. When she tried to take back her chain from her gotini, she assaulted at her head by lathi with the intention to kill her. When she tried to save, her elder brother-in-law having pistol, hit her with the butt of pistol due to which she got serious injury below her left eye. The informant in her re-statement in CD para-2 has stated the same facts. The witnesses in CD paras-7, 8 and 9 have supported the incident. The injury report of Tinku Kumari in CD para-46 there is (1) Redness on lower eyelid, (ii) Pain in whole body which has been found to be simple in nature by the doctor. Sections 308(3) and 308(4) carry punishment of two years and four years and is triable by First Class Magistrate while Section 76 of BNS carries punishment of less than seven years. The petitioners deserved notice u/s-35(3) of B.N.S.S. Applying the principles settled in Arnesh Kumar V State of Bihar, Satendar Antil V CBI and Naushad Ansari V State of Bihar the petitioners deserve bail.

Therefore in view of the facts and circumstances of this case having regard to the submission of both parties, this anticipatory bail petition is **allowed**. The petitioners **1. Sanjay Yadav and 2. Sarita Devi** in the event of his arrest or surrender is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the concerned Court.

Dictated & Corrected

Sd/-

District & Addl. S.J -II, Jamui  
10.04.2026

Memo No. .... dated .....

Copy to Id. Court of Sri Ahsan Rashid, JM Ist Class, Jamui.

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