

IN THE COURT OF SESSIONS JUDGE, PATNA

Anticipatory Bail Petition No.1763 of 2026.

1. Asha Devi
 2. Rekha Devi
 3. Dharmendra Rai @ Dharmendra Kumar
 4. Munni Devi
- Petitioners.

Versus
The State of Bihar

**Order
No.**

O R D E R

04 26-05-2026

1. The **four petitioners** seek anticipatory bail in connection with **Gandhi Maidan P.S. Case No. 59 of 2026**, registered under Sections 74, 115(2), 126(2), 351(2), 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).
2. Heard Sri RamChandra Prasad, learned counsel for the petitioners and Sri Rajesh Kumar, learned Public Prosecutor for the State.
3. Prosecution case as narrated by the informant Kiran Kumari is that on 21.01.2026 at about 4:00 PM, the petitioners allegedly entered her residence by force and assaulted her along with her family members. It is further alleged that they incited their tenants to join in the assault, during which the informant's sister-in-law sustained severe head injuries. The complaint states that despite attempts at settlement, on 22.01.2026 the petitioners again attacked the informant's family with lathis, dandas, and sharp weapons, leaving her sister-in-law unconscious and injuring her parents when they intervened. The petitioners are also accused of issuing threats to kill, bury the victims, and abduct the sister-in-law, in addition to cutting off the electricity supply and continuing harassment.
4. Learned counsel for the petitioners contends that the only non-bailable offence alleged is under Section 74 of the BNS, which carries a maximum sentence of five years and is triable by a Magistrate. He submits that, given the parties are agnates, the allegation of outraging modesty is improbable and not supported even on a bare reading of the FIR. The dispute arises from the letting of a room by the petitioners, which the informant's side opposed. Learned counsel further emphasizes that the petitioners have clean antecedents.

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5. The learned Public Prosecutor opposes the prayer for grant of anticipatory bail to the petitioners.
6. Pursuant to order dated 29.04.2026 and its reminder dated 16.05.2026 case diary has been received. Upon perusal of the same, it transpires that during course of investigation, the police did not require the custody of the petitioners under section 35(1) of BNSS and accordingly served notice upon them under section 35(3) of BNSS, to which they complied. Furthermore, there is nothing contrary in the case diary with regard to the pleadings made on behalf of the petitioners that they have clean criminal antecedent.
7. Having regard to the facts and circumstances of the case; the nature of the offences and the punishment prescribed; nature of accusation; that during course of investigation, the arrest of the petitioners was not required under section 35(1) of BNSS and accordingly served notice upon them under section 35(3) of BNSS, to which they complied; the submissions advanced on behalf of the petitioners more particularly the defence; and their clean antecedents, the prayer for grant of anticipatory bail of the above named petitioners is **allowed**. It is ordered that in the event of arrest or surrender before the learned court below within four weeks from the date of receipt of this order, the above-named petitioners shall be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned court below, subject to the conditions as laid down u/s 482(2) of B.N.S.S.

(Dictated)

Sd/-

(Rupesh Deo)
Sessions Judge, Patna

Date of Order	26-05-2026
Date of Reserving Order	NA
Uploading Date	26-05-2026
Uploaded by	Amjad/-