

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2958 of 2016

Arising Out of PS.Case No. -173 Year- 2015 Thana -GURUA District- GAYA

1. Kapil Yadav son of Deo Ratan yadav

2. Malri devi Wife of Seth Yadav

Both Resident of Village- Akohara, P.s Gurua, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, Advocate

For the Opposite Party/s : Mr. Sahin Begam(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-01-2016

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 338, 447, 307, 302/34 of the Indian Penal Code.

The prosecution case is that the co-accused Seth Yadav, Umesh Yadav and petitioner no. 1 Kapil Yadav diverting the water from the agricultural land of the informant by cutting ridge. On protest being raised, they assaulted the brother of the informant. When the father of the informant came to make protest, then petitioner no. 2 Malbi Devi, Bindu Devi caught hold the father of the



informant and assault was made by khanti on the head of the father of the informant, thereafter petitioner no. 1 Kapil Yadav assaulted with rama, Guriya Devi assaulted with bricks and co-accused Umesh Yadav assaulted with axe to the father of the informant. Subsequently, father of the informant succumbed to the injury.

It is submitted by the learned counsel for the petitioners that specific accusation of assault is against co-accused Seth Yadav, petitioner no. 1 Kapil Yadav, Guriya Devi and Umesh Yadav. The post-mortem reflects injury on the head which is specifically alleged against Seth Yadav.

Considering the fact that the specific accusation of assault is not against petitioner no. 2 Malri Devi, she is being lady and statement has been made in para-3 of the petition that petitioners have no criminal antecedent, let the above named petitioner no. 2 Malri Devi be released on bail in the event of her arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Gurua P.S. Case No. 173 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Since, so far as petitioner no. 1 Kapil Yadav is concerned, accusation of assault has been levelled against him,

hence this Court is not inclined to grant bail to him.
Accordingly, his prayer for bail is rejected.



(Dinesh Kumar Singh, J)

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