

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47424 of 2017

Arising Out of PS. Case No.-113 Year-2013 Thana- FORBESGANJ District- Araria

-
1. Urmila Devi, W/o Sri Jagdish Yadav,
 2. Radha Devi, W/o Sri Bhupendra Yadav,
 3. Renu Devi, W/o Prakash Yadav,
- All Resident of Village- Laxmipur, P.S.- Forbisganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-10-2017 Heard learned Counsel appearing on behalf of the
petitioners and learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341/323/324/307/379/302/504/34 of the I.P.C.

Prosecution case as per the FIR of Dhirendra Yadav, recorded on 12.04.2013, at 10.15 P.M. hours at Referral Hospital, Forbisganj, by the Sub-Inspector, Ranjan Kumar, Forbisganj Police Station, is to the effect that on 12.04.2013 at 7.00 AM when the informant went to his maize field, he found that animals of co-accused, Jagdish Yadav, were grazing the crops in the field of the informant, upon which the informant



tried to take the animals to the Sarpanch, but in the meantime, co-accused, Jagdish Yadav, Rajesh Yadav, Mukesh Yadav started assaulting the informant and snatching the animals. On protest being made the accused persons assaulted the informant and when the informant raised alarm, the father of the informant, Deep Narayan Yadav, brothers Birendra Yadav, Bijendra Yadav and mother of the informant came to his rescue, but they were also assaulted by the accused persons. It is also alleged that the respective husband of the petitioners also participated in the assault. Co-accused, Jagdish Yadav, assaulted the father of the informant with farsa which caused injury on his head and rendered him unconscious. Accusation is also that Rupees Five Thousand was snatched from the pocket of the informant.

It is submitted by learned Counsel appearing on behalf of the petitioners that in the background of a dispute over grazing of crops by the animals, the occurrence took place. The petitioners were not even named in the FIR. The names of the petitioners have surfaced along with their respective husbands. On conclusion of investigation, they were not sent up for trial, but subsequently, differing with the final form, cognizance was taken and the same was challenged by



the petitioners in Criminal Miscellaneous No. 18945/2014, wherein, initially the further proceeding was stayed against the petitioners vide order dated 16.05.2017, but subsequently vide order dated 28.06.2017, passed by a Bench of this Court, the criminal miscellaneous application was dismissed with liberty to the petitioners to raise the contentions after framing of charge. Though the FIR was registered in 2013, but the anticipatory bail application has been preferred in 2016, since initially the petitioners were not sent up for trial and thereafter the further proceeding was stayed. Moreover, the accusation of assault is omnibus and general and is not specific against these petitioners.

Learned APP for the State submits that accusation of assault is omnibus and general, but the petitioners are named in the FIR.

Considering the fact that the petitioners being ladies, and that they were not sent up for trial on conclusion of investigation, coupled with the fact that they have no criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with



two sureties of the like amount each to the satisfaction of the learned CJM, Araria, in connection with Forbesganj (Simraha) P.S. Case No.113/2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Learned court below will be at liberty to cancel the bail bonds of the petitioners if the petitioners default for three consecutive occasions

(Dinesh Kumar Singh, J)

Ashwini/-

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

