

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54007 of 2016

Arising Out of PS.Case No. -79 Year- 2015 Thana -PANCHRUKHI District- SIWAN

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1. Lilawati Devi, Wife of Sri Pram Chand Yadav,
2. Harendra Prasad Yadav @ Harendra Yadav, Son of Sri Prem Chand Yadav, All resident of Village- Chaap, P.S.- O.P. Sahayak Sarai, District-Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate.

For the Opposite Party/s : Mr. A. Mohan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 10-01-2017 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Pachrukhi (Sarai) P.S. Case No. 79 of 2015 registered under Sections 341, 448, 323, 302 and 506/34 of the Indian Penal Code.

The accusation is that, on 07.04.2005, in the morning, petitioner no. 1 along with her two sons, namely, Birendra Yadav and Santosh Kumar Yadav entered in the house of informant and started to cause assault to Kalawati Devi, Tara Devi, motor and wife of informant and Piyush Kumar and Prince Kumar, sons of informant. When Narottam Prasad Yadav, other son of informant, rushed to save them then he was also assaulted through wicket, fist



and slaps on his stomach, on which, he became unconscious. Thereafter, informant took his son to Sadar Hospital, from where, he was referred to Patna. Thereafter, son of informant rushed to Sahara Sandhya Hospital Private Ltd. for better treatment but he died in course of treatment on 13.04.2015. Further allegation is that petitioner no. 2 also assaulted the motor of informant on 13.04.2015 giving threatening of dire consequences in case of lodging the case.

Learned counsel for the petitioners submits that it would appear from the F.I.R. that petitioner no. 2 is not the assailant of the deceased rather it has come that after six days of occurrence this petitioner caught hold the neck of the mother of informant giving threatening of dire consequences in case of lodge the FIR. Further submission is that in course of investigation witnesses in paragraphs 44, 45 and 46 of the case diary, have stated that Narottam Prasad Yadav was assaulted by Birendra Yadav and Santosh Kumar Yadav, son of petitioner no. 1 and at that time petitioners were not present there. Further submission is that petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below



within a period of six 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 S.D.J.M., Siwan, in connection with Pachrukhi (Sarai) P.S. Case No. 79 of 2015, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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