

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58345 of 2018

Arising Out of PS. Case No.-48 Year-2018 Thana- KHIRI MORE District- Patna

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1. Narendra Yadav Son of Ramdas Yadav
 2. Rinki Devi wife of Dharendra Yadav both resident of Village Fatehpur, Police Station Khiri More, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parashuram Singh

For the Opposite Party/s : Mr. Sri Murlidhar

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 14-12-2018

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Learned counsel for the petitioners submitted that due to inadvertence, it is mentioned that the petitioners have no criminal history but petitioner no. 1 has one more criminal case against him.

3. The petitioners apprehend arrest in Khiri Mor P.S. Case No. 48 of 2018 dated 11.05.2018 instituted under Sections 341/323/379/504/34 of the Indian Penal Code and 27 of the Arms Act.

4. The allegations against the petitioners are that they had come to the house of the informant and had used filthy



language for asking for Rs. 3000/- as the price of the brick taken by them and thereafter, they also assaulted the son of the informant due to which he sustained cut injury and the petitioner no. 2 is alleged to have also snatched the gold chain from the neck of the informant and another accused along with petitioner no. 1, is also said to have thrown bricks at the house of the informant where accused opened three rounds of firing.

5. Learned counsel for the petitioners submitted that the allegations are false as no such incident happened. It is further submitted that there is no injury and that except for Section 379 of the Indian Penal Code, all Sections are bailable. Learned counsel further submitted that the petitioner no. 2 is a lady and the allegation of snatching of gold chain is only cosmetic.

6. Learned A.P.P. submitted that the Court would go by the allegations made in the written complaint filed by the informant and not by the Sections which the police show in the F.I.R. It was submitted that the conduct of the petitioners show their defiance of law and also flagrant intimidation and threatening the person they have taken brick from and to whom they owe money.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court



is not inclined to enlarge petitioner no. 1 on anticipatory bail and accordingly, his prayer stands dismissed.

8. However, in the event of arrest or surrender before the Court below, within six weeks from today, the petitioner no. 2 namely, Rinki Devi be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM III, Danapur, Patna in Khiri Mor P.S. Case No. 48 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J)

P. Kumar

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