

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37766 of 2018

Arising Out of PS. Case No.-83 Year-2018 Thana- CHAND District- Bhabhua (Kaimur)

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1. Sudershan Yadav, Son of Late Ghurahu Yadav,
 2. Ravindar Yadav @ Chhotu Yadav, Son of Sudershan Yadav.
 3. Dhanwata Devi, Wife of Sudershan Yadav, all R/o Village-Kodda, P.S. Chand, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Om Prakash Yadav, S/o Late Rambriksh Yadav, Resident of Village-Niranjanpur, P.S.- Chainpur, District- Kaimur, (Bhabhua)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan
For the Opposite Party/s : Mr. Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 25-09-2018 Heard learned counsels for the petitioners, informant and the State.

The petitioners being the parents and brother of the husband of the informant's daughter are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 307, 498A, 504 and 506/34 of the IPC.

The prosecution case got initiated with the written report of Om Prakash Singh dated 07.04.2018 submitted before the SHO, Chand Police Station to the effect that the informant's daughter Rinku Devi got married with Birendra Yadav, but due to torture being inflicted upon her, the informant's daughter used to reside separately and from there she used to go to Kubra Anganbari



Centre where she was employed. On 06.04.2018 at 11.00 A.M. when the daughter of the informant was teaching in the Anganbari Centre, the accused persons reached there and assaulted her mercilessly. The accused person left the daughter of the informant in the state of unconsciousness, who was then taken to the hospital and from there the victim was referred to Trauma Centre.

It is submitted by learned counsel for the petitioners that the thrust of accusation is against the husband of the daughter of the informant. The accusation of assault is omnibus and general. Admittedly the daughter of the informant used to reside separately. Moreover, the injury has been found to be simple and considering the same the husband of the informant's daughter has been granted bail by a co-ordinate Bench of this Court vide order dated 19.06.2018 passed in Cr. Misc. No. 34102 of 2018.

Learned counsel for the informant submits that the daughter of the informant was brutally assaulted at a public place by the accused persons including the petitioners. However, , he has not controverted this fact that the informant's daughter receives simple injury and her husband Birendra Yadav, the main accused has been granted bail by a Bench of this Court.

Considering the accusation being general and



omnibus against the petitioners, injury of the informant's daughter has been found to be simple and the main accused has been granted bail, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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 ACJM-IV, Kaimur at Bhabhua in connection with Chand P.S. Case No. 83 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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