

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6331 of 2018

Arising Out of PS. Case No.-453 Year-2017 Thana- FATUHA District- Patna

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1. Sanju Devi, W/o Daya Nand Yadav,
 2. Babita Devi @ Bitu Devi W/o Ramnath Yadav, All R/o Village-
Neyajipur, P.S.- Fatuha, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binoy Kumar

For the Opposite Party/s : Mr. SRI PANCHANAND PANDIT

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-02-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 147,148,149,341,323,506,448,307,504,379 and 427 of the IPC.

The prosecution case as per the written report of Ramdulari Devi submitted to the SHO, Fatuha Police Station is to the effect that the husband of the informant and family members are in Fatuha jail in connection with Fatuha P.S. Case No. 381 of 2017. On 8.10.2017 at 4 P.M. when the informant was at her house Ramnath Yadav, Dayanand Kumar, Uma Shankar, Ram Krishna Ballabh Yadav, Tikasan Yadav, Shivji Yadav, Rampreet Yadav, Bhagu Singh, Bhushan Yadav, Rekha Devi and the petitioners came to the informant's house and started damaging



house hold articles. On protest being made, Bhushan Yadav (non-petitioner) assaulted with pistol on the nose of the informant, causing bleeding injury on the nose and mouth. Thereafter, all the accused persons entered into the house and began ransacking and damaging the household articles while the informant fell unconscious due to the assault.

It is submitted by learned counsel for the petitioners that the occurrence is of 8.10.2017 when the written report was submitted on 17.10.2017. At earlier point of time Bhushan Yadav, one of the co-accused, lodged Fatuha P.S. Case No. 381 of 2017 with the accusation under sections 147,341,302/120B of the IPC and Section 27 of the Arms Act, concerning which the family members of the informant and her husband are in custody. Hence, as retaliatory measure, the present case has been lodged. Moreover, the accusation of assault is only against co-accused Bhushan Yadav, who is not petitioner before this court. The petitioners are ladies. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that omnibus and general accusation is against the petitioners.

Considering the fact that entire family members of the



informant are accused in the case lodged by the petitioners side and the petitioners are ladies having no criminal antecedent, 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 JM Ist Class, Patnacity in connection with Fatuha P.S. Case No.453 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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