

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45884 of 2018

- =====
1. Doman Yadav, S/o Niru Yadav,
 2. Masudan Yadav, S/o Niru Yadav, Both R/o Baribagh Pipra Road, P.S.-
Khaira, District- Jamui.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Satya Prakash Parasar, Advocate.
For the Opposite Party : Mr. Arbind Kumar Pandey, A.P.P.
For the Informant : Mr. Amrendra Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 13-09-2018 Learned counsel for the petitioners is permitted to

make necessary correction in paragraph no. 1 of the bail

application, in course of the day.

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

The petitioners are languishing in custody since
26.05.2018 in a case for the offence registered under Sections 447,
341, 323, 324, 307, 506 and 504 of the IPC.

The prosecution story, in brief, is that on 24.05.2018,
the informant and her family members were in her house. At about
11.00 A.M. her co-villagers co-accused Niru Yadav, Masudan
Yadav (petitioner no. 2), Doman Yadav (petitioner no.1) and co-



accused Pramod Yadav came variously armed with Lathi-Danda, Kudal and Farsa and started digging her land. The informant and her sister-in-law (*Gotani*) raised objection, then accused persons assaulted them. Co-accused Niru Yadav put the informant on the ground by catching her hair. Co-accused Mathura Yadav and Doman Yadav (petitioner no. 1) caught hold on the chest and abdomen of the informant and started pressing. In the meantime, her sister-in-law (*Gotani*) and brother-in-law (*Bhaisur*) came and saved her even then Masudan Yadav (petitioner no. 2) assaulted with Kudal and Farsa on her head causing injury. It is also alleged by the informant that in course of scuffle, blood was oozing out from her private part. She is pregnant of three-four months. Co-accused Mathura Yadav also assaulted the brother-in-law (*Bhaisur*) of the informant causing injury in his hand.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioner no. 2 is alleged to have assaulted the informant with Kudal and Farsa causing injury on her head. Injury report indicates that the injury has been caused by hard and blunt substance. The same does not support the allegation made in



the F.I.R. So far as the petitioner no. 1 is concerned, it is alleged that he alongwith other co-accused Mathura Yadav caught hold of on the chest and abdomen of the informant due to which, she succumbed miscarriage. The said allegation is supported from the injury report of the victim.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner no. 2. Masudan Yadav, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Jamui, in connection with Khaira P.S. Case No. 201/2018.

As far as petitioner no. 1 Doman Yadav is concerned, his prayer for bail is rejected 'at this stage' in connection with Khaira P.S. Case No. 201/2018, pending in the court of learned C.J.M. Jamui.

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(Sudhir Singh, J)

