

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12540 of 2019

Arising Out of PS. Case No.-200 Year-2018 Thana- BUNIYAD GANJ District- Gaya

1. Raju Yadav, Son of Dinesh Yadav,
2. Bhola Yadav, Son of Anil Yadav,
3. Murari Yadav, Son of Late Anil Yadav,
4. Dinesh Yadav, Son of Butai Yadav,
5. Anil Yadav, Son of Late Butai Yadav, all are Resident of Village-Sogara Balapar, P.S.-Buniyadganj, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kiran Sinha

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-03-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379, 354, 504 and 506/34 of the IPC.

The prosecution case, as per the fardbeyan of Barti Devi, recorded by A.S.I., Buniyadganj Police Station on 31.03.2018, at M.M.C.H., Gaya is to the effect that on 25.08.2018 at about 8 A.M., the informant was going to ease out, in the meantime, all the petitioners came variously armed and started abusing the informant and on protest being made, petitioner no.1, Raju



Yadav caught hold of the hair lock of the informant and pushed her on the ground and thereafter, petitioner no.2, Bhola Yadav assaulted on the head of the informant with Khanti and on alarm being raised, when the husband, son and brother-in-law of the informant came to rescue her, then they were also assaulted by the petitioners. Subsequently, co-accused Pyari Devi, Chinta Devi and Simpi Devi also came along with the other co-accused persons and assaulted the informant. It is further alleged that co-accused Pyari Devi snatched the gold chain of the informant.

It is submitted by learned counsel for the petitioner that for the alleged occurrence of 25.08.2018 at about 8 A.M., the fardbeyan was recorded on 31.08.2018 and the FIR was registered on 18.09.2018, whereas petitioner no.5, Anil Yadav lodged Buniyadganj P.S. Case No. 189 of 2018 with accusation under Sections 341, 323, 506, 307 and 379/34 of the IPC on 10.09.2018 against the informant's side, hence as a retaliatory measure, the present case has been lodged against the petitioners. It is further submitted that except one injury of the husband of the informant, for which opinion has been kept reserved, all the injuries of the informant's side have been found simple. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal



antecedent.

Learned APP submits that the petitioners are named in the FIR.

Considering the case lodged by the petitioners' side at earlier point of time, delayed recording of the fardbeyan of the informant and delayed registration of the FIR, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-VIII, Gaya in connection with Buniyadganj P.S. Case No. 200 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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