

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12274 of 2019

Arising Out of PS. Case No.-455 Year-2018 Thana- GRIYAK District- Nalanda

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1. Sidheshwar Yadav aged about 70 years Son of Late Karz Yadav
 2. Pappu Yadav aged about 35 years, son of Sidheswar Yadav
 3. Bichhi Devi @ Lalita Devi@Bichachhi Devi aged about 32 years, W/o of Pappu Yadav
All resident of village - Jeevlal Bigha, P.S.- Giriyak, Distt.- Nalanda.
- Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pratyush Kumar

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-03-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are seeking anticipatory bail in connection with Giriyak P.S. Case No. 455/2018 registered under Sections 341, 323, 307, 337, 379, 504, 506, 34 of the Indian Penal Code pending in the court of learned Additional Chief Judicial Magistrate – 1st, Nalanda at Biharsharif.

Learned counsel for the petitioners submits that there are general and omnibus allegations against all the petitioners. It is further submitted that so far as petitioner no. 3 is concerned, she is lady member of the family of the petitioners and no overt act has been alleged against her.

On the other hand, learned A.P.P. for the State has



opposed the prayer for anticipatory bail of these petitioners. It is pointed out that learned 2nd Additional Sessions Judge, Nalanda at Biharsharif has while rejecting the prayer of anticipatory bail of the petitioners taken note of the injuries mentioned in paragraph-17 of the case diary. The injury on the informant are on occipetal and parietal region which are vital part of the head. It is submitted that all the three petitioners have assaulted the informant side and as such they do not deserve the privilege of anticipatory bail.

Having heard learned counsel for the petitioners and learned A.P.P. for the State, this court is of the view that in the given facts and circumstances petitioner no. 3 namely Bichhi Devi @ Lalita Devi @ Bichachhi Devi may be allowed the privilege of anticipatory bail for the reason that she is lady member of the family and there is no specific allegation against her of causing any injury.

In the aforesaid facts and circumstances of the case, in the event of her arrest/surrender before the court below within a period of four weeks, let the above-named petitioner no. 3 namely Bichhi Devi @ Lalita Devi @ Bichachhi Devi be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount



each to the satisfaction of learned Additional Chief Judicial Magistrate – 1st, Nalanda at Biharsharif, in connection with Giriyak P.S. Case No. 455/2018, subject to condition prescribed under Section 438(2) of the Code of Criminal Procedure.

So far as petitioner nos. 1 & 2 are concerned, this court is not willing to extend the benefit of anticipatory bail to petitioner nos. 1 & 2, because it is evident from the order of learned 2nd Additional Sessions Judge, Nalanda at Biharsharif that in course of investigation it has been found that the informant has suffered injuries on occipetal and parietal region which are vital point of head. Thus, the prayer of anticipatory bail of petitioner nos. 1 & 2 named-above is refused.

In case, petitioner nos. 1 & 2 surrender and pray for regular bail in the court below within a period of four weeks from today, the same shall be considered on its own merit without being prejudiced by the order of this court.

(Rajeev Ranjan Prasad, J)

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