

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64319 of 2019

Arising Out of PS. Case No.-124 Year-2019 Thana- NAWADA MUFFASIL District- Nawada

1. Kari Devi, D/o Shiva Yadav @ Shivnandan Yadav @ Shiv Yadav @ Shiv Resident of Village - Pathra English, P.S- Muffasil, Distt - Nawada.
2. Sadhu Yadav Son of Rampati Yadav @ Rapati Yadav Resident of Village - Pathra English, P.S- Muffasil, Distt - Nawada.
3. Shiv Yadav @ Shiva Yadav @ Shivnandan Yadav Son of Rampati Yadav Resident of Village - Pathra English, P.S- Muffasil, Distt - Nawada.
4. Shrdha Devi @ Sharda Devi @ Sharadh Devi Wife of Sadhu Yadav Resident of Village - Pathra English, P.S- Muffasil, Distt - Nawada.
5. Basant Yadav Son of Shiv @ Shiva Yadav @ Shivnandan Yadav @ Shiv Yadav Resident of Village - Pathra English, P.S- Muffasil, Distt - Nawada.
6. Babita Devi Wife of Shiv @ Shiva Yadav @ Shivnandan Yadav @ Shiv Yadav Resident of Village - Pathra English, P.S- Muffasil, Distt - Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. A.M.P. Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 23-10-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Muffasil P.S. Case no. 124 of 2019, registered under Sections 341, 323, 324, 325, 354, 308 and 379/34 of the Indian Penal Code.

The accusation is that in the morning of 16.04.2019, the informant Birju Yadav moved from his house to attend call of nature, at that time, petitioners having iron rod, lathi etc. started to abuse. When informant made protest, then



Kari Devi (Petitioner No.1) assaulted at his head through iron rod causing blood oozing injury. At that time, petitioner No.4 Shardha Devi and petitioner No.6 Babita Devi pelted brick at him. When Rani Devi, Babita Devi and Chhotu Yadav, wife, daughter-in-law and son of the informant, rushed there then petitioner No.3 Shiva Yadav gave Lathi blow at the head of Babita Devi causing blood oozing injury, his wife was assaulted by Sadhu Yadav (petitioner No.2) through rod in which she received injury in her hand, Basant Yadav assaulted to Chhotu Kumar, son of the informant, by means of lathi. At that time, Shiva Yadav snatched gold locket from the neck of daughter in law of the informant.

Learned counsel for the petitioners submits that petitioners and informant are Gotiya and the injuries as found on the person of informant, his daughter in law and son are simple in nature. However, two injuries were found on the person of wife of informant one at left hand and other pain and swelling on left leg. The injury No.2 on the person of wife of informant is said to be grievous in nature, which is attributed only against Sadhu Yadav (Petitioner No.2).

Having regard to the facts and circumstances of the case, let the petitioner Nos. (1) Kari Devi, (3) Shiv Yadav @



Shiva Yadav @ Shivanandan Yadav, (4) Shrdha Devi @ Sharda Devi @ Sharadh Devi, (5) Basant Yadav and (6) Babita Devi are directed to be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nawada in connection with Muffasil P.S. Case No. 124 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far as prayer for pre-arrest bail of petitioner No.2 Sadhu Yadav is concerned, considering the facts and circumstances of the case and nature of allegation against him, I am not inclined to grant anticipatory bail to the petitioner No.2. Accordingly, the prayer for pre-arrest bail of petitioner No.2 Sadhu Yadav stands rejected. The petitioner No.2 is directed to surrender before the trial Court within four weeks and pray for regular bail, which would be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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