

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.123 of 2020

Arising Out of PS. Case No.-159 Year-2019 Thana- PARASBIGHA District- Jehanabad

1. Ram Sevak Yadav @ Ramsevak Yadav, aged about 76 years, Son of Late Ramawtar Yadav @ Nanhak Yadav, Resident of Village - Amain, Uttari Mathiya, Police Station- Parasbigha in the district of Jehanabad.
2. Domini Devi, Gender-Female, aged about 40 years, Wife of Braj Nandan Prasad @ Brij Nandan Prasad, Resident of Village - Amain, Uttari Mathiya, Police Station- Parasbigha in the district of Jehanabad.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Sunil Kumar, Advocate.
For the Opposite Party : Mr.Choubey Jawahar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 323, 504, 379, 307 and 325/34 of the IPC.

The prosecution story, in brief, is that on 28.07.2019 at about 4.00 P.M. petitioners and others came at the house of the informant and Brijnandan Prasad asked him to remove the



bricks but he stated that he has kept the bricks in his land. Brijnandan Prasad abused him. On objection, co-accused Arvind Kumar assaulted with Iron rod on his head causing bleeding injury and Brijnandan Prasad assaulted with Lathi on the hand causing fracture injury. Brijnandan Prasad assaulted Om Prakash Yadav by Lathi on his head, back, waist and Ramsevak Yadav (petitioner no. 1) assaulted Ranjan Yadav with lathi and when the wife of informant came to save him then Usha Kumari and Rajani Kumari threw her on the ground and pressed her neck and assaulted with brick on her mouth and Usha Kumari snatched the golden Jiutiya from the neck of Rajiya Devi and Domini Devi (petitioner no.2) assaulted Saheli Devi and Rajani Kumari snatched the golden Mangalsutra from the neck of Saheli Devi and thereafter the accused persons entered into the house of the informant and Arvind Kumar took away a box containing Silver ornaments and cash Rs. 5,000/-.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. The petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. There is case and counter case between the parties. The petitioner no. 1 is alleged to have assaulted



Ranjan Yadav and petitioner no. 2 is alleged to have assaulted Saheli Devi. Nature of injury is simple. No offence under Section 307 of the IPC is made out.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned J.M. Ist Class, Jehanabad, in connection with Parasbigha P.S. Case No. 159 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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