

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**CRIMINAL MISCELLANEOUS No.4970 of 2020**

Arising Out of PS. Case No.-52 Year-2018 Thana- JAIPUR District- Banka

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1. Sildhar Yadav Son of Sito Yadav
  2. Samri Devi W/o Sito Yadav
- Both are Resident of Village - Fekna, P.S.- Jaipur (Katoria), Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Brij Nandad Prasad  
For the Opposite Party/s : Mr.Sunil Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR  
SRIVASTAVA**

ORAL ORDER

2      03-03-2020                      Heard learned counsel for the petitioners as well as  
learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with  
Jaipur P.S. Case No. 52/2018 registered for the offences  
punishable under Sections 341, 323, 324, 325, 307, 379, 385,  
504, 506/34 of the Indian Penal Code.

Petitioner No. 1, namely, Sildhar Yadav, is said to  
have assaulted the son of informant whereas FIR named  
accused Shito Yadav assaulted the informant's husband. So  
far as petitioner No. 2, namely, Samri Devi is concerned,  
there is only omnibus allegation of assault and it is alleged  
that she snatched silver chain of the informant. The impugned



order goes to show that one of the injureds has sustained grievous injuries.

Submissions on behalf of the petitioners is that informant's son had sustained simple injury and, therefore, no case under Section 307 of the Indian Penal Code is made out against the petitioner No. 1 and so far as petitioner No. 2 is concerned, the allegation of theft is superficial in nature.

In the aforesaid facts and circumstances as well as submissions of the parties, it is ordered that petitioner No.2, namely, Samri Devi, in the event of her arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate I, Banka, in Jaipur P.S. Case No. 52/2018 subject to conditions as laid down under Section 438(2) of the Cr.P.C.

So far as petitioner No. 1, namely, Sildhar Yadav, is concerned, his prayer for anticipatory bail stands rejected.

However, it is made clear that if petitioner No. 1, namely, Sildhar Yadav, surrenders and seeks regular bail before the concerned court, his regular bail application shall be considered on its own merit without being prejudiced by



this rejection order.

**(Hemant Kumar Srivastava, J)**

Spd/-

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