

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26357 of 2020

Arising Out of PS. Case No.-258 Year-2019 Thana- SHAMBHUGANJ District- Banka

1. MAHENDRA YADAV Son of Late Munshi Yadav Resident of Village - Chhatrehar, P.S. Shambhuganj, District - Banka.
2. Mahabali Yadav Son of Mahendra Yadav Resident of Village - Chhatrehar, P.S. Shambhuganj, District - Banka.
3. Bajrangbali Yadav Son of Mahendra Yadav Resident of Village - Chhatrehar, P.S. Shambhuganj, District - Banka.
4. Jai Jayram Yadav @ Jay Kumar Son of Mahendra Yadav Resident of Village - Chhatrehar, P.S. Shambhuganj, District - Banka.
5. Kabita Devi @ Savita Devi Wife of Mahendra Yadav Resident of Village - Chhatrehar, P.S. Shambhuganj, District - Banka.
6. Champa Devi wife of Mahabali Yadav Resident of Village - Chhatrehar, P.S. Shambhuganj, District - Banka.
7. Lalita Devi wife of Mandeshwari Yadav @ Mandeshwar Yadav Resident of Village - Chhatrehar, P.S. Shambhuganj, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad

For the Opposite Party/s : Mr. Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-12-2020 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State, through Video Conferencing.

This application, for grant of anticipatory bail, arises out of Shambhuganj Police Station Case No. 258 of 2019, disclosing offences under Sections 341/323/448/325/307/354/504/506 of the Indian Penal Code.



The prosecution case, as per the First Information Report, is that on 04.11.2019, when the informant told her brother-in-law (Bhaisur) that his grandson usually attend the nature's call on the passage of the informant, the brother-in-law of the informant abused her and ordered to kill her and on that exhortation, the petitioners, along with other co-accused persons, having lathi and danda in their hands, assaulted the informant and when the husband and two sons of the informant came in her rescue, the petitioners and other co-accused persons also assaulted them.

Learned Counsel for the petitioners submits that both the parties are close relatives of the same branch and the informant is the sister-in-law of the petitioner no. 1. He further submits that there is case and counter case between the parties inasmuch as for the incident which took place at the same time and date, the side of the petitioners has also lodged Shambhuganj Police Station 259 of 2019. He further submits that the side of the petitioners have also received injuries in the free fight between the parties. He, referring to the injury reports, submits that the injuries have been found to be simple in nature, except some of the injuries, the opinion of which have been reserved by the doctor.



After having heard learned Counsel for the parties concerned and taking into consideration the materials on record and the fact that both the parties are close relatives and there is case and counter case between the parties, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Shambhuganj Police Station Case No. 258 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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