

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30038 of 2020

Arising Out of PS. Case No.-91 Year-2019 Thana- BARABAR TOURIST District- Jehanabad

1. RUPLAAL YADAV S/o Late Punna Yadav Resident of Village-Pachwai, P.S.-Brabar Paryatan (Bisshanganj O.P), District-Jehanabad.
2. Lalita Devi W/o Rajnandan Prasad Resident of Village-Pachwai, P.S.-Brabar Paryatan (Bisshanganj O.P), District-Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Sujata Sinha

For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-12-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioners and Sri Ashok Kumar, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Barabar Paryatan (Bishunganj) PS case no. 91 of 2019 registered for the offences punishable under Sections 307 and other allied sections of Indian Penal Code.

The case of the prosecution in brief is that while the informant was cutting paddy crops on 01.12.2019, the accused persons including the petitioners herein had arrived there armed



with sticks and *khanti* and had started abusing the informant as also had told the informant that he was cutting more paddy crops than his share, however the informant is stated to have made a protest, whereupon the co-accused person namely Rajnandan Yadav had ordered the other accused persons to kill the informant, whereafter the accused person namely Vijay Yadav had assaulted the informant with *khanti* and then the petitioner no. 1 is also stated to have assaulted the informant. It is also alleged that the other accused persons had then started pelting stones and bricks upon the informant resulting in the informant receiving injuries.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. The learned counsel for the petitioners has further submitted that while the petitioner no. 1 is aged about 90 years, petitioner no. 2 is a female and it is highly improbable that they would have assaulted the informant, however in any view of the matter, the informant has not received any serious injuries. It is further submitted that the present case arises out of case and counter case.

Per contra, the learned APP for the State has



vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that the present case arises out of case and counter case and the informant has not sustained serious injuries, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Jehanabad in connection with Barabar Paryatan (Bishunganj O.P.) PS case no. 91 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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