

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 17334 of 2021

Arising Out of PS Case No.-160 Year-2020 Thana- JAYNAGAR District- Madhubani

1. Aduliya Devi @ Arhuliya Devi, aged about 65 years, Female Wife of Chhedi Yadav.
 2. Luhani Devi, aged about 60 years, Female, Wife of Nathuni yadav.
 3. Rina Devi, aged about 28 years, Female, Wife of Amir Lal Yadav.
- All are resident of Village- Lasakaria, Police Station - Janagar, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Singh with Mr. Jitendra Singh, Advocates
For the State	:	Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 17-06-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioners on 15.06.2021, which was allowed.

3. Heard Mr. Rajesh Kumar Singh, learned counsel along with Mr. Jitendra Singh, learned counsel for the petitioners and Dr. Indihar Kumari, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

4. The petitioners apprehend arrest in connection with Jaynagar PS Case No. 160 of 2020 dated 16.05.2020, instituted under Sections 147, 148, 149, 341, 323, 342, 379, 427, 324, 307, 504, 506 of the Indian Penal Code and 27 of the Arms Act, 1959.



5. The petitioners are named accused along with 10 others and the allegation is that they were also party to the assault on the informant side and the specific allegation being that they were throwing stones.

6. Learned counsel for the petitioners submitted that besides being ladies, the dispute relates to ancestral property and the parties are agnates. It was submitted that as per the FIR itself, it was the male members who got into scuffle and the overt acts are alleged against them but to involve all the family members, a cosmetic addition has been made that the present three lady petitioners also threw stones. It was submitted that they do not have any criminal antecedent.

7. Learned APP submitted that the petitioners were also party to the assault. However, it was not denied that the only role assigned to them is that they were throwing bricks.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Madhubani in Jaynagar PS Case No. 160 of 2020,



subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioners and (iii) that they shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or the undertaking or failure to co-operate shall lead to cancellation of their bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

10. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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