

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18923 of 2021

Arising Out of PS. Case No.-331 Year-2019 Thana- PALIGANJ District- Patna

-
1. RAUSHAN KUMAR SON OF BUNDEL YADAV RESIDENT OF VILLAGE- ANKURI, POLICE STATION- PALIGANJ, DISTRICT- PATNA.
 2. BUNDEL YADAV SON OF LATE RAMGATI YADAV RESIDENT OF VILLAGE- ANKURI, POLICE STATION- PALIGANJ, DISTRICT- PATNA.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Jharkhandi Upadhyay, Advocate.
For the State	:	Mr. Anuj Kumar Shrivastava, A.P.P.
For the Informant	:	Mr. Ghanshyam Tiwary, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 16-08-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 08.03.2021, within four weeks of starting of the Court proceeding in physical mode in normal course.

At the very outset, learned counsel for the petitioners, through Video Conferencing, seeks permission to withdraw this application in respect of the petitioner no.2, namely, Bundel Yadav.

Permission is accorded.

This application in respect of the petitioner no.2,



namely, Bundel Yadav, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.1, namely, Raushan Kumar, for granting him the privilege of pre-arrest bail is being considered, through Video Conferencing.

Heard learned counsel for the petitioner no.1, namely, Raushan Kumar, and the learned A.P.P. for the State as also the learned counsel for the informant, through Video Conferencing.

The petitioner no.1, namely, Raushan Kumar, apprehends his arrest in connection with Paliganj P.S. Case No.331 of 2019 registered under Sections 341, 323, 307 and 504 of the Indian Penal Code.

The accusation is that on 01.09.2019 at about 02.00 P.M., Raushan Kumar (petitioner no.1) and his father Bundel Yadav came at the house of the informant Mamta Devi and started to abuse. When the informant made protest, then both started to cause assault her through slaps. When Rambhu Yadav, the husband of the informant, rushed to save her, then both started to cause assault to the husband of the informant through lathi and danda. Thereafter, Hriday Yadav gave the iron rod blow at the husband of the informant causing blood oozing injury on his head and he fell down on the ground having become unconscious. The cause of occurrence is said to be the



domestic dispute.

Learned counsel for the petitioner no.1, namely, Raushan Kumar, submits that due to domestic dispute, the occurrence of “Maar-Peet” took place between the parties in which the side of the petitioner no.1 also sustained injury regarding which on the basis of the fardbeyan of Jashi Devi, the mother of the petitioner no.1, Paliganj P.S. Case No.371 of 2019 for the offence under Sections 147, 149, 341, 323, 448 and 379 of the Indian Penal Code was also instituted against the prosecution party. Furthermore, it would appear from the F.I.R. that there is general and omnibus allegation against the petitioner no.1 and his father to cause assault through slap to the informant as there is specific allegation against Hriday Yadav to cause blood oozing injury on the head of the husband of the informant through iron rod.

Having considered the facts and the circumstances of the case, let the petitioner no.1, namely, Raushan Kumar, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Danapur, Patna, in connection with Paliganj P.S.



Case No.331 of 2019, subject to the conditions laid down under
Section 438(2) Cr.P.C.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

P.S./-

U		T	
---	--	---	--

