

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21150 of 2021

Arising Out of PS. Case No.-81 Year-2020 Thana- AMBA District- Aurangabad

1. PRITHVI NATH YADAV S/o Shyamdeo Yadav @ Shyamdeo Singh Resident of Village- Pirajpur, P.S.- Amba, District- Aurangabad.
2. Surendra Yadav S/o Late Ram Sunder Yadav Resident of Village- Pirajpur, P.S.- Amba, District- Aurangabad.
3. Kanti Devi W/o Prithvi Nath Yadav Resident of Village- Pirajpur, P.S.- Amba, District- Aurangabad.
4. Rajendra Yadav S/o Late Ram Sunder Yadav Resident of Village- Pirajpur, P.S.- Amba, District- Aurangabad.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Rakesh Singh, Advocate.
For the State	:	Mr. Arun Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 05-08-2021 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 18.03.2021, 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, submits that the petitioner no.1, namely, Prithvi Nath Yadav, has already been arrested by the police in this case and, as such, this application, in respect of the petitioner no.1, namely, Prithvi Nath Yadav, for granting him



the privilege of pre-arrest bail has become infructuous and seeks permission to withdraw this application in respect of the petitioner no.1, namely, Prithvi Nath Yadav.

Permission is accorded.

This application in respect of the petitioner no.1, namely, Prithvi Nath Yadav, is dismissed as withdrawn.

Now, only the prayer of the petitioner nos. 2 to 4, above named, for granting them the privilege of pre-arrest bail is being considered, through Video Conferencing.

Heard learned counsel for the petitioner nos.2 to 4, above named, and the learned A.P.P. for the State, through Video Conferencing.

The petitioner nos.2 to 4, above named, apprehend their arrest in connection with Amba P.S. Case No.81 of 2020 registered under Sections 307, 341, 323, 504, 506/34 and, later on, added Section 302 of the Indian Penal Code.

The accusation is that on 11.09.2020 at about 01.30 P.M., Prithvi Nath Yadav, Kanti Devi (petitioner no.3), Surendra Yadav (petitioner no.2), Sanoj Yadav and Rajendra Yadav (petitioner no.4), the villagers of the informant, started to cause assault to the informant Deomuni Devi and her daughter through lathi and danda and abusing them. In the meantime,



Randhir Yadav, son of Sanoj Yadav, armed with lathi came there and he also started to cause assault to the informant and her daughter, due to which the informant and her daughter fell down on the ground having become unconscious. Earlier also, the aforesaid persons had also caused assault to the informant and her daughter. The informant and her daughter were admitted by the villagers at Kutumba Hospital, where the daughter of the informant died.

Learned counsel for the petitioner nos.2 to 4, above named, submits that while the petitioner nos.2 to 4 are named in the F.I.R. but no specific overt act is attributed to them. Further submission is that in the post-mortem examination of the daughter of the informant, no external injury was found on her person. Further submission is that while the hot exchange of words and scuffle took place between the parties, in which the petitioner nos.2 and 4 along with male members were involved but with an ulterior motive, the petitioner no.3, namely, Kanti Devi, who is the wife of co-accused Prithvi Nath Yadav, has also been implicated in this case.

Having considered the facts and the circumstances of the case, let the petitioner no.3, namely, Kanti Devi, in the event of her arrest or surrender by her within six weeks from today, be



enlarged on bail on her furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Aurangabad, in connection with Amba P.S. Case No.81 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

So far as the petitioner no.2, namely, Surendra Yadav, and the petitioner no.4, namely, Rajendra Yadav, are concerned, I am not inclined to grant anticipatory bail to the petitioner nos.2 and 4, above named, Accordingly, the prayer of the petitioner nos.2 and 4, above named, for grant of anticipatory bail stands rejected. However, the petitioner nos.2 and 4, above named, are directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

P.S./-

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

