

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30504 of 2020

Arising Out of PS. Case No.-1030 Year-2019 Thana- JAHANABAD District- Jehanabad

1. FULIYA DEVI W/o- Keshwar Yadav @ Gunga Yadav R/o- Village- Unta Madarpur, P.S. and District- Jehanabad.
2. Awadh Yadav S/o- Keshwar Yadav @ Gunga Yadav R/o- Village- Unta Madarpur, P.S. and District- Jehanabad.
3. Vikas Kumar Son of Anil Yadav R/o- Village- Unta Madarpur, P.S. and District- Jehanabad.
4. Raushan Kumar Son of Anil Yadav R/o- Village- Unta Madarpur, P.S. and District- Jehanabad.
5. Pintu Yadav S/o- Baran Yadav R/o- Village- Bairbigaha, P.S.- Dhanarua, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 03-02-2021 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in connection with Jehanabad P.S. Case no. 1030 of 2019 registered under sections 307, 147, 149, 341, 342, 323, 325, 324, 504 and 506 of the Indian Penal Code.

As per the allegation in the FIR, the 11 named accused persons including the five petitioners herein are stated to have assaulted the informant and others. It is further stated that while



the accused persons assaulted the son of the informant, on the informant reaching there he was assaulted by the accused persons including the petitioner no. 2. Further his elder son Manoj Yadav was assaulted by petitioner nos. 3, 4 and 5.

It is submitted by learned counsel for the petitioners that the allegations as levelled in the FIR are false and concocted. There is case and counter case between the parties and the true version having been stated in the FIR which has been brought on record as Annexure 2 to the petition. From the injury reports brought on record as Annexure 3 series it would transpire that the injuries have been found to be simple in nature caused by sharp cutting weapon. Thus, the same does not support the allegations made in the FIR.

The application for bail is opposed by learned counsel for the State.

Having heard learned counsel for the parties and on going through the materials on record, it transpires that there is allegation against the petitioner nos. 2 to 5 of having assaulted the informant and his elder son Manoj Yadav and the allegations are supported from the injury report wherein the injuries have been found to be 'danger to life'. Thus, the Court is not inclined to enlarge the petitioner nos. 2 to 5 on anticipatory bail and as



such their prayer for bail is rejected.

In the facts and circumstances of the case, the Court is inclined to enlarge the petitioner no. 1 on anticipatory bail. The petitioner no. 1 is directed to surrender in the Court below within a period of eight weeks from today and in the event of her arrest or surrender in connection with Jehanabad P.S. Case no. 1030 of 2019 she will be enlarged on bail on furnishing bail bond of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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