

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 35514 of 2020

Arising Out of PS Case No.-96 Year-2020 Thana- AMARPUR District- Banka

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1. Indu Devi, aged about 25 years, Sex- Female, Wife of Lakhan Yadav.
 2. Kartik Yadav, aged about 21 years, Sex- Male, Son of Basu Yadav.
Both are resident of Village- Dumrama, PS- Amarpur, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kamlesh Kumar Pathak, Advocate
For the State	:	Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 22-06-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Kamlesh Kumar Pathak, learned counsel for the petitioners and Mr. Ramchandra Sahni, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Amarpur PS Case No. 96 of 2020 dated 18.02.2020, instituted under Sections 341, 323, 307, 354, 504 and 506/34 of the Indian Penal Code.

4. The allegation against the petitioners and others is of having assaulted the informant and her other family members causing various injuries.



5. Learned counsel for the petitioners submitted that the parties are agnates and there is a case and counter case and the petitioners' side has also received injuries. Learned counsel submitted that even as per the FIR, there is general and omnibus allegation of assault against the petitioners who are ladies and other male members. Learned counsel submitted that the injury reports of the victims, copies of which have been brought on record as Annexure-2 series in the present application, discloses that the same are simple in nature. It was submitted that the petitioners have no criminal antecedent.

6. Learned APP submitted that the petitioners have also assaulted. However, it was not controverted that the allegation is general and omnibus.

7. 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 Chief Judicial Magistrate, Banka in Amarpur PS Case No. 96 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.

8. 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.

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

(Ahsanuddin Amanullah, J.)

P. Kumar

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