

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 34517 of 2020

Arising Out of PS Case No.-89 Year-2019 Thana- BHEJA District- Madhubani

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1. Ramphal Yadav, aged about 65 years, Son of Late Rameshwar Yadav.
 2. Laxmi Yadav, aged about 28 years, Son of Ramphal Yadav.
Both resident of Village - Khajuri PS Bheja, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate
For the State	:	Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 26-03-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Gagan Deo Yadav, learned counsel for the petitioners and Mr. Umanath Mishra, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Bheja PS Case No. 89 of 2019 dated 01.07.2019, instituted under Sections 341, 323, 324, 354B, 379 and 504/34 of the Indian Penal Code.

4. The allegation against the petitioners is of assault on the informant and specifically against petitioner no. 1 of abusing and assaulting her by foot on her private part and against petitioner no. 2 of assault by iron rod on the head.



5. Learned counsel for the petitioners submitted that the allegations are false and concocted and much prior to the present case, the mother of co-accused Rajesh Yadav had lodged Bheja PS Case No. 82 of 2019 on 19.06.2019, against the informant and others under Sections 341, 323, 355(B), 379 and 504/34 of the Indian Penal Code. It was submitted that the petitioners do not have any criminal antecedent. It was submitted that there is no injury report to corroborate the attack attributed to the petitioner no. 1 of hitting by foot on the private part of the informant. It was submitted that the petitioner no. 1 is an old man aged about 65 years.

6. Learned APP submitted that there is direct and specific allegation of assault by the petitioner no. 1 on the private part of the informant and against the petitioner no. 2 of hitting on the head by iron rod. It was submitted that the learned Additional Sessions Judge, Jhanjharpur in order dated 21.11.2019 in ABP No. 330 of 2019, by which prayer for anticipatory bail of the petitioners has been rejected, after having perused the injury report, has noted that there was lacerated wound on the head which was grievous in nature and, thus, the same is corroborative of the allegation in the FIR against the petitioner no. 2. However, he did not controvert the fact that no injury has been found with



regard to allegation of assault on private part of the informant by petitioner no. 1.

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 petitioner no. 1 namely, Ramphal Yadav be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-III, Jhanjharpur, District-Madhubani in Bheja PS Case No. 89 of 2019, 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 petitioner no. 1, (ii) that the petitioner no. 1 and the bailors shall execute bond with regard to good behaviour of the petitioner no. 1 and he shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or failure to co-operate shall lead to cancellation of his bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner no. 1, to the notice of the Court concerned, which shall take



immediate action on the same after giving opportunity of hearing to the petitioner no. 1.

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

10. The application on behalf of petitioner no. 2 namely, Laxmi Yadav, stands rejected.

(Ahsanuddin Amanullah, J.)

P. Kumar

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