

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40599 of 2020

Arising Out of PS. Case No.-3 Year-2020 Thana- MAKHDUMPUR District- Jehanabad

1. Ravish Kumar S/o Sakaldeo Yadav R/o village- Tulsipur, P.S.- Makhdumpur, District- Jehanabad
2. Kamdeo Yadav S/o Late Bhaju Yadav R/o village- Tulsipur, P.S.- Makhdumpur, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 03-11-2021 Heard learned counsel appearing on behalf of the petitioners, Shri Vijay Kumar and learned APP appearing on behalf of the State, Shri Ajit Kumar.

The petitioners apprehend their arrest in connection with Makhdumpur P.S. Case No. 03 of 2020 registered for offence punishable under Sections 448, 341, 323, 307, 504, 506 and 379/34 of the Indian Penal Code.

Briefly stated allegations made in the F.I.R are that on 01.01.2020 at about 7:00 P.M., the accused persons named in the F.I.R. entered into the house of informant Munni Devi in alcoholic condition and began to abuse her with regard to money she got after selling her land. On protest of the informant



the other accused person assaulted her with *lathi* and bricks and she sustained injury on her head due to which she profusely bleed. It has further been alleged that accused person also assaulted her husband over the whole body as well as her daughter and they also sustained injury on the head. It has further been alleged that Kamdev Yadav and other accused persons thereafter started assaulting with help of *lathi*, *danda* and bricks on the body of the informant and her family members.

Learned counsel appearing on behalf of the petitioners submits that there is a long standing case and counter-case between the parties and they belong to the same family. He further submits that the informant has sold land belonging to her share and the petitioners, due to previous enmity has resorted to assault her and to illegally take the same amount of the sale proceed to which they are not legally entitled to. He further submits that the present case is also primarily to deceive these petitioners from their legal share.

Learned APP on behalf of the State, vehemently opposed the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case, from the perusal of the F.I.R and submission of the rival parties



it appears that so far as Ravish Kumar, petitioner no. 1 is concerned, has directly assaulted the informant and his family members on the vital part of the body and as such so far as petitioner no. 1 is concerned, prima facie allegation is made out against him punishable under Sections 448, 341, 323, 307, 504, 506 and 379/34 of the Indian Penal Code. So far as petitioner no. 2, Kamdeo Yadav is concerned, there is general and omnibus allegation against him in the F.I.R. This Court is of the opinion that prima facie no case as alleged is made out against petitioner no. 2 and he deserves to be released on anticipatory bail. Let the petitioner no. 2, Kamdev Yadav, be released on bail, in the event of his arrest or surrender before the Court below within four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Jehanabad in connection with Makhdumpur P.S. Case No. 03 of 2020 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

So far as petitioner no. 1 is concerned, having considered the facts and circumstances of the case and nature of allegation, I am not inclined to release the petitioner no. 1, accordingly, his prayer for grant of anticipatory bail, is hereby



rejected.

The Court below be not prejudiced with any observation made in this order so far as petitioner no.1 is concerned, if so advised, the petitioner no. 1 may surrender before the Court below and pray for regular bail.

(Purnendu Singh, J)

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