

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3072 of 2021

Arising Out of PS. Case No.-181 Year-2020 Thana- BIRAUL District- Darbhanga

1. KARI YADAV, Son of Late Dev Narayan Yadav Resident of Village- Nunukala, P.S.- Biraul, Distt- Darbhanga.
2. Bishekha Devi @ Bishokha Devi W/o Birendra Kumar Yadav Resident of Village- Nunukala, P.S.- Biraul, Distt- Darbhanga.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jagdish Prasad Singh
For the Opposite Party/s : A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 05-04-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 07.01.2021, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Biraul P.S. Case no. 181 of 2020, registered under Sections 341, 323, 324, 307, 504, 379, 147, 148 and 149 of the Indian Penal Code.

The accusation is that in the morning of 02.06.2020, informant Ramanand Yadav was present at his grocery shop situated in his house, at that time, wife of his



villager Birendra Yadav came there and threw garbage then he made protest. Thereafter, nine persons named in the F.I.R, including the petitioners, having lathi, Farsa, iron-rod, bricks and stone in their hands came there and started to abuse and they dragged the informant from the shop and started to cause assault. At that time, Birendra Yadav caused blood oozing injury at his head, as a result, he fell down. When Pappu Yadav, Manoj Yadav, Pawitri Devi, Amarjeet Yadav and Ramjapo Yadav, kith and kin of informant, rushed to save then Arvind Yadav gave Farsa blow at the head of Pappu Yadav, Nitish Yadav gave Farsa blow at the head of Shambhu Yadav and Amarjeet Yadav, Bishekha Devi (Petitioner No.2) caused injury through Tengari at the head of Pawitri Devi. At that time, they took away cash of Rs. 11,000/- from the box and they also looted other articles.

Learned counsel for the petitioners submits that while petitioner No.1 Kari Yadav is named in the F.I.R. but no specific overt act has been attributed against him. The allegation has been made against petitioner No.2 Bishekha Devi @ Bishokha Devi to cause injury at the head and lip of Pawitri Devi, but only one injury was found, which is simple in nature.



Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, Biraul, Darbhanga in connection with Biraul P.S. Case No. 181 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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