

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6276 of 2021

Arising Out of PS. Case No.-159 Year-2019 Thana- SIKANDRA District- Jamui

1. Khemni Devi, aged about Years, (Female), Wife Of Ashok Yadav, Resident Of Village- Dhanve, Police Station- Sikandara, District- Jamui.
2. Ashok Yadav, aged about years (Male), Son Of Gendhari Yadav, Resident Of Village- Dhanve, Police Station- Sikandara, District- Jamui.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Amrendra Kumar, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-08-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 147, 148, 149, 341, 323, 325, 307, 379, 504, 506 of the I.P.C. and $\frac{3}{4}$ of the Prevention of Witches Practices Act, 1988.



The prosecution story, in brief, is that on 09.06.2019 at about 7.00 A.M. in the morning, the informant was in her house, in the meantime, all the accused persons came there with arms and abused her as *Dian*, on protest, on the order of the co-accused, namely, Gendhari Yadav, Punit Yadav and Ashok Yadav (petitioner no. 2) tried to assault her with Lathi and Iron rod, in the meantime, her husband and daughter came to rescue her then co-accused Punit Yadav assaulted with Iron rod upon the thumb of the left hand and right hand of her husband, as a result of which, his hands were fractured and Ashok Yadav (petitioner no. 2) assaulted with Iron rod upon the head of the informant's daughter, namely, Sulekha Devi, and co-accused Babita Devi and Khemani Devi (petitioner no. 1) started pressing the neck of the informant to kill her. Co-accused Gendhari Yadav snatched away a golden chain from the neck of the informant and co-accused Babita Devi snatched away a golden ear ring from the neck of her daughter, namely, Sulekha Devi. On hulla, accused persons fled away. Thereafter, injured were brought to Sikandara Hospital and where from they were referred to Jamui Sadar Hospital for better treatment. The accused persons also threatened the informant to kill her if the case is lodged against them.



It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the side of accused persons has not been explained by the prosecution. The prosecution has not come with clean hands. The petitioner no. 1 is a lady.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned C.J.M. Jamui, in connection with Sikandara P.S. Case No. 159/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each only with two sureties of the like amount each within a period of



eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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