

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35407 of 2021

Arising Out of PS. Case No.-736 Year-2020 Thana- KHAGARIA District- Khagaria

1. KAPIL DEV YADAV @ KAPILDEO YADAV S/O Darogi Yadav Resident of Village - Sadanandpur Kathaura, P.S. - Khagaria (Gangaur), District - Khagaria.
2. Saroj Devi @ Sarojni Devi W/O Ajay Yadav Resident of Village - Sadanandpur Kathaura, P.S. - Khagaria (Gangaur), District - Khagaria.
3. Babli Devi W/O Sanjay Yadav Resident of Village - Sadanandpur Kathaura, P.S. - Khagaria (Gangaur), District - Khagaria.
4. Pankaj Yadav S/O Late Arjun Yadav Resident of Village - Bahadur Nagar Diara, P.S. - Ballia, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Ms. Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-03-2022 Heard the parties.

Earlier, the prayer for anticipatory bail on behalf of the petitioner no.2 was dismissed as withdrawn, as such, today the matter is being heard for consideration of anticipatory bail as against the petitioner nos.1, 3 and 4.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 364, 302, 448, 504, 506 of the Indian Penal Code.

The allegation against the petitioners is that they along with other accused persons entered into the house of the



informant and started to abuse and threaten her. They forcibly tried to kidnap her daughter and when, her father-in-law tried to intervene, they assaulted to the extent that he died on the spot. Thereafter, they took her daughter from the house.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. It is further submitted that the postmortem report does not supports the prosecution case. The present case is the counter-blast of Khagaria (Gangaur) P.S. Case No.733/2020, filed by the petitioner no.2 against the present prosecution party. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since there is case and counter-case between the parties, let the above named petitioner nos.1, 3 and 4, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each



with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Khagaria (Gangaur) P.S. Case No.736/2020, corresponding to G.R. No.2951/2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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