

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24704 of 2022

Arising Out of PS. Case No.-361 Year-2021 Thana- KONCH District- Gaya

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1. FULWA DEVI WIFE OF BIDYANAND YADAV R/O VILLAGE-PADRAWAN MATH, P.S.- KONCH, DISTRICT- GAYA (BIHAR)
 2. JAGDISH YADAV SON OF LATE CHALITAR YADAV R/O VILLAGE-PADRAWAN MATH, P.S.- KONCH, DISTRICT- GAYA (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Ms. Leelawati Kumari, Advocate
For the Opposite Party/s :	Mr. Dashrath Mehta, APP
	Mr. Sunil Kumar Yadav, Advocate
	Mr. Jaishree Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 10-11-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 307 and 302 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent, petitioner no.1 is a woman, petitioner no.2 is 72 years of age and the informant alleges that while he was returning home, Shiv Kumar Yadav shot him and on alarm when Rajbali and Manorama came, they were assaulted by Vidyanand by *garasa* causing injury on head,



further petitioner no.2 assaulted Rajbali by *bhala* causing injury on his head, it is next alleged that named accused persons also assaulted as detailed in the FIR and the petitioner no.1 along with others pelted stone and assaulted Sukhinder.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that allegation against petitioner no.1 is of pelting stone along with other accused persons and assaulting Sukhinder, but no injury of Sukhinder is on record, it is further submitted that as far as allegation of assaulting Rajbali by petitioner no.2 is concerned, the same also gets belied by the injury report of Rajbali (Annexure-2 to the anticipatory bail application) which records that he suffered injury on neck when allegation against this petitioner is of assaulting on his leg. Learned counsel submits that petitioner no.2 till 72 years of age was a person with clean antecedent but after institution of the present FIR, he has been made a criminal by alleging false allegations.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners but are not able to meet the submission of the learned counsel for the petitioners with regard to the nature of injuries



suffered by the injured.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten 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 Konch P.S. Case No. 361 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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