

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30787 of 2022

Arising Out of PS. Case No.-10 Year-2022 Thana- KATORIYA District- Banka

1. Sona Devi Wife Of Ram Prasad Yadav R/O Village- Telondha, P.S.- Katoria, District- Banka
2. Gudiya Devi @ Archana Devi Wife Of Ajay Yadav R/O Village- Telondha, P.S.- Katoria, District- Banka
3. Kavita Devi Wife Of Bullo Yadav @ Bullu Yadav R/O Village- Telondha, P.S.- Katoria, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Nurul Hoda, Advocate
For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-11-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections Sections 147, 148, 149,341, 323, 302, 504, 506 and 120(B) of the Indian Penal Code.

The prosecution case, in short, is that on 05.01.2022, the petitioners and others came at the door of the house of the informant Umesh Prasad Yadav and started



abusing. It is further alleged that when the son of the informant, namely, Chhotu Kumar protested, the accused petitioners brutally assaulted him due to which he sustained several injuries and died in his way to hospital.

Learned counsel for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. Further submits that the informant and petitioners are agnates. Further submits that it appears from the FIR that there is no specific allegation against these petitioners. The specific allegation of assault against co-accused, namely, Ajay Yadav and Bullo Yadav @ Bullu Yadav and co-accused, namely, Dilip Yadav @ Dilip Kumar Yadav has been granted privilege of anticipatory bail vide order dated 01.11.2022 passed in Cr. Misc. No.26538 of 2022 by this Court and the case of the petitioners is similar footing.

Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days



from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Katoria P.S.Case No.10 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned



order shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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