

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69365 of 2021

Arising Out of PS. Case No.-79 Year-2021 Thana- PALANWA District- East Champaran

1. Sunarkali Devi W/O Sundha Yadav Resident Of Village - Saunaha, P.S.- Palanwa, Distt.- East Champaran.
2. Jaikaran Yadav Son Of Sundha Yadav Resident Of Village - Saunaha, P.S.- Palanwa, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar No.III, Advocate Mr. B. Kumar, Advocate and R.Alam, Advocate
For the Opposite Party/s :		Mr.PK Pandey, Addl Public Prosecutor
for the informant		Kudan Rathore, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-07-2022 Heard learned counsel for the petitioners, the State and the informant.

Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 307/302 and other allied sections of the Indian Penal Code.

Prosecution's case in short is that all the accused persons including these petitioners armed with weapons reached at the house of the informant and demanded Rs.50-100 and started abusing. Co-accused Subhash Yadav inflicted lathi bow on the head of the Vikash Kumar Yadav causing him injuries. Other accused persons also assaulted the informant side. Vikash Kumar Yadav died during treatment.



Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. petitioner no.2 is mother of petitioner no.1. Occurrence took place because of previous enmity and non-payment of loan amount taken by the deceased from the said co-accused. Specific allegation of assault to the deceased is against co-accused Subhash Yadav and there is general and omnibus allegation of assault against these petitioners and no specific overt act has been alleged against them. Petitioners have got no criminal antecedent. Post mortem report does not corroborate the allegation made in FIR.

Learned counsel appearing for the State as well as the informant oppose the prayer for bail. They submit that as per the FIR petitioners also actively took part in assaulting the informant and deceased.

Considering the background in which the incident has taken place and the fact that the petitioners have got no criminal antecedent, in the event of arrest/surrender within six weeks from today, let the petitioners, named above, 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 the Judicial Magistrate 1st class, Raxaul at Motihari, East



Champaran in Palanawa Police Station Case No. 79 of 2021,
subject to the conditions laid down under sections 438(2) of the
Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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