

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2723 of 2023**

Arising Out of PS. Case No.-320 Year-2022 Thana- BAHERA District- Darbhanga

1. SUNITA DEVI Wife of Sobhit Yadav
 2. PHOOL SAGAR DEVI @ PHOOL KUMARI DEVI Wife of Veer Kumar Yadav
 3. PHOOL CHANDRA YADAV Son of Late Khokhai Yadav
All R/v- Radiyam, P.S.- Bahera, District- Darbhanga
- Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarva Deo Singh, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Bahera P.S. Case No. 320 of 2022 instituted under Sections 341, 323, 379, 325, 307, 504/34 of the Indian Penal Code lodged on 21.07.2022 by the informant Pankaj Kumar Yadav.

As per the prosecution story, on 12.07.2022 around 12.30 at night when informant was returning to his house after attending Puja of Bhuiya Baba and when he reached near the house of his villager Garib Das then Vir Kumar Yadav, Sobhit



Yadav, Phul Chandra Yadav (petitioner no.3) were present. They dragged informant to the courtyard of their house and threw him on the ground. When informant asked them why has been beaten then they have abused him and told him that he would be killed today. Then Sunita Devi (petitioner no.1) and Phul Kumari Devi (petitioner no.2) also reached there and started abusing informant. Then accused Vir Kumar Yadav and Sobhit Yadav hit him with rod and lathi due to this assault he fell on the ground then all the person assaulted him with rod, lathi and bricks and he became unconscious. They have snatched a gold chain from his neck. Accordingly, the FIR.

It has been submitted by the learned counsel for the petitioners that specific allegation is against Vir Kumar Yadav and Sobhit Yadav of hitting the victim with rod and lathi. So far as the other accused person omnibus allegation is there.

It has been further submitted that in a zeal to implicate everyone, even the female inmates have not been left out.

Learned counsel for the informant submits that the victim was brutally assaulted by the accused persons and as such has opposed the prayer for anticipatory bail.

Taking into account the fact that specific allegation is against Vir Kumar Yadav and Sobhit Yadav, two of the



petitioners are ladies, the petitioner no.3 is an aged person of 80 years, this Court is inclined to extend them privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Bahera P.S. Case No. 320 of 2022 to the satisfaction of learned Additional Cheif Judicial Magistrate-I Benipur, District- Darbhanga, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners will make himself available to the police as and when required in course of investigation;

(iii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

U		T	
---	--	---	--

