

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5401 of 2023**

Arising Out of PS. Case No.-404 Year-2022 Thana- MADHUBANI TOWN District-
Madhubani

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1. Ram Chandra Yadav @ Ramchandra Yadav Son of Rambahadur Yadav Resident of Village- Rajhan, P.S.- Madhubani Town, District- Madhubani
 2. Navin Kumar Son of Hari Yadav Resident of Village- Rajhan, P.S.- Madhubani Town, District- Madhubani
 3. Manju Devi Wife of Ram Chandra Yadav @ Ramchandra Yadav Resident of Village- Rajhan, P.S.- Madhubani Town, District- Madhubani

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Madhubani Town P.S. Case No. 404 of 2022 registered for the offences punishable under Sections 341, 323, 325, 354(B), 379, 504/34 of the Indian Penal Code. They have got no criminal antecedent.

As per the prosecution story, on 07.09.2022 the petitioners entered the house of the informant and started abusing his mother and when she forbade them, Ram Chandra Yadav assaulted her as a result of which her hand got fractured. It is alleged that Ram Chandra Yadav assaulted the father of the informant and Manju Devi had also assaulted mother of the informant. It is also alleged that the accused



persons took away Rs.5000/- cash and ornaments worth Rs.20,000/-.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the FIR has been lodged with a delay of one month 10 days. It is also submitted that the parties have entered into a compromise. Learned counsel submits that the injury report of the mother of the informant does not inspire confidence as it has been prepared at 11:00 P.M. on 07.09.2022 whereas the occurrence is of the evening of 07.09.2022.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is submitted that the alleged occurrence took place on 07.09.2022 and 10 days thereafter a panchayati was held but the FIR has been lodged after one month 10 days, the injury report of the mother of the informant does not inspire confidence as it has been prepared at 11:00 A.M. on 07.09.2022 whereas the occurrence is of the evening on 07.09.2022, the parties have entered into a compromise, in the circumstances, this Court directs release of the petitioners above named on bail in the event of their arrest or surrender within a period of four weeks from today in connection with Madhubani Town P.S. Case No. 404 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M.,



Madhubani, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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 antecedent, 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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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