

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14960 of 2023

Arising Out of PS. Case No.-175 Year-2022 Thana- ARER District- Madhubani

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1. SANJEEB KUMAR YADAV S/O DEVENDRA YADAV
 2. LALIT YADAV @ LALIT KUMAR YADAV S/O RAJ KUMAR YADAV
 3. BIDYASAGAR YADAV @ BIDIYASAGAR YADAV S/O LATE KASHI YADAV
 4. SURENDRA YADAV S/O LATE KASHI YADAV

All Resident of Village- Kushmaul, P.S.- Arer, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagandeo Yadav, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Arer P.S. Case No. 175 of 2022 instituted under Sections 341, 323, 324, 325, 326, 448, 380, 354(B), 504, 506/34 of the Indian Penal Code lodged on 01.11.2022 by the informant Reena Devi.

As per the prosecution story, the informant with her small children live at her house while her husband works at



Delhi. On 31-10-2022 at about 8:00 PM, when she and others were sitting at her house after returning from Ghat on the occasion of "Chhath", she heard the sound of abusing. As they came out, Sanjeeb Kumar Yadav. Rohit Kumar Yadav, Alok Kumar Yadav. Devendra Yadav. Surendra Yadav, Bidyasagar Yadav, Raushan Yadav, Lalit Yadav, Malti Devi, Sunita Devi, Deepa Devi armed variously were abusing. When she enquired about it, Devendra Yadav ordered to outrage her modesty whereafter Rohit Kumar caught her hair and pull her on the ground and assaulted her. When her husband came to her rescue, Sanjeeb Kumar Yadav caught her husband and Alok Kumar Yadav assaulted him repeatedly causing injury on his head and above his eye.

On hulla, when her 'Bhaisur' Arun Yadav and other relative Dhyani Yadav came to her rescue, Surendra Yadav gave tengari blow on the head of Arun Yadav causing injury below his eye, and Bidyasagar, Raushan Yadav and Lalit Yadav assaulted Dhyani Yadav by rod, lathi and danda, consequent whereof he too sustained injuries. Malti Devi, Sunita Devi and Deepo Devi too assaulted by dragging her on ground. Further allegation is of taking gold items. The injured were taken to Primary Health Center, Rahika. Accordingly the FIR.



Learned counsel for the petitioners submit that only to implicate them, roles have been assigned. The injuries have been found to be simple and there is case and counter case. Further without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 3000x4=12,000/- each to the informant through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking her credentials.

Learned APP on the other hand opposes the prayer for anticipatory bail.

There is case and counter case, the petitioners do not have criminal antecedent, the injuries have been found to be simple in nature, this Court is inclined to grant them privilege of bail, subject to the payment of amount as undertaken.

Let the petitioners be released on bail, in the event of their 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 Arer P.S.



Case No. 175 of 2022 to the satisfaction of learned Sub-Divisional Judicial Magistrate, Benipatti, Madhubani 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 his/her 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 petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(v) the petitioners 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;

(vi) the petitioners 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

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