

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15898 of 2023

Arising Out of PS. Case No.-566 Year-2021 Thana- SAUR BAZAR District- Saharsa

1. VIVEK YADAV @ VIVEK KUMAR YADAV S/o Anil Yadav Resident of Village-Sabaila, Ward No. 05, Police Station-Sour Bazar (Bajinathpur Police Sivor), District-Saharsa.
2. ANGAD YADAV @ ANGAD KUMAR YADAV S/o Late Udit Yadav @ Udit Narayan Yadav Resident of Village-Sabaila, Ward No. 05, Police Station-Sour Bazar (Bajinathpur Police Sivor), District-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate
For the Opposite Party/s : Mrs. Suman Kumari Singh, 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 Sour Bazar (Bajinathpur) P.S. Case No. 566 of 2021 for the offence registered under sections 447, 427, 341, 323, 354, 379, 504, 506 and 34 of the Indian Penal Code lodged on 02.11.2021 by the informant, Lalita Devi.

The prosecution case, as per written report of the informant, Lalita Devi, in brief, is that on 30.10.2021 at about 08:30 AM while she was sitting at her door, the accused persons armed with 'lathi', 'fatta', 'khanti' abused. When she objected to it then accused, Vivek Kumar assaulted her by catching her hairs. Accused, Jyoti Kumar put 'gamcha' around the neck and further was assaulted by 'lathi', 'fists' and 'slaps'.



Thereafter, accused Santosh Kumar, Premlata Devi and Sulekha Devi too assaulted Accused, Santosh Kumar took out golden chain worth Rs. 32,000/- and they further damaged her house. On alarm, nearby people gathered there. The injured was brought to the PHC, Sour-Bazar from where she was referred to the Sadar Hospital, Saharsa for better treatment. Accordingly, the FIR

Learned counsel for the petitioners submit that there is case and counter case. Allegation against the petitioner no. 1 is of using towel around the neck of the lady while the allegation against petitioner no. 2 is of pushing the lady with the said towel.

Considering the aforesaid submissions as also that the petitioners are ready to abide by all the terms and conditions, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Saharsa in connection with Sour Bazar



(Bajinathpur) P.S. Case No. 566 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(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 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;

(iii) the petitioners shall appear before the concerned police station every month for next one year to mark attendance;

(iv) 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 their bail bonds;

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

(Rajiv Roy, J)

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