

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28868 of 2023**

Arising Out of PS. Case No.-485 Year-2021 Thana- PHULPARAS District- Madhubani

1. Lalita Devi W/O Brahamdev Yadav R/O Village- Sisouni P.S- Phulparas, Distt.- Madhubani.
2. Surya Narayan Yadav S/O Ram Prasad Yadav R/O Village- Sisouni P.S- Phulparas, Distt.- Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                        |   |                                      |
|------------------------|---|--------------------------------------|
| For the Petitioners    | : | Mr. Ravi Prakash, Advocate           |
| For the Opposite Party | : | Mr. Narendra Kumar Singh, APP        |
| For the Informant      | : | Mr. Lakshindra Kumar Yadav, Advocate |

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

2      14-07-2023                      Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Phulparas P.S. Case No. 485 of 2021 registered for the offences punishable under Sections 147, 148, 149, 448, 341, 323, 307, 354(B), 379, 504, 506 of the Indian Penal Code. They have got no criminal antecedent.

3. As per the prosecution story, on 11.12.2021 during Panchayati, co-accused Raushan Yadav started abusing Shiv Narayan Yadav, husband of the informant and when the informant's side forbade them not to abuse, all the accused persons came to assault the husband of the informant. When the informant went to save her husband, co-accused Ram Yadav and



Raushan Yadav molested her. Thereafter, when the daughter of the informant came to rescue her, co-accused Rahul Kumar threatened to kill her and when Hare Krishna Yadav tried to save the daughter of the informant, Raushan Yadav assaulted him. It is alleged that co-accused Raushan Yadav had assaulted on the head of the son of the informant by iron rod and petitioner no. 2 assaulted the daughter-in-law of the informant by an iron rod. It is further alleged that Lalita Devi (petitioner no. 1) and co-accused Malti Devi had assaulted Renu Devi daughter-in-law of the informant by *pidiya*. It is alleged that the accused persons also assaulted Renu Devi and Thakkai Yadav and snatched away mobile phone worth Rs.21,000/-, gold chain worth Rs.55,000/- and Rs.1100/-.

4. Learned counsel for the petitioners submits that there is a case and counter case between the parties alleging against each other. The case of the petitioners' side is prior in time. So far as the allegation against petitioner no. 1 is concerned, it is alleged that petitioner no. 1 along with co-accused Lalita Devi had assaulted the daughter-in-law of the informant by a *pidiya* whereafter petitioner no. 2 had entered into the courtyard of the informant and had assaulted the daughter-in-law of the informant by an iron rod.



5. Learned counsel submits that so far as the injury caused to Shiv Narayan Yadav is concerned, it has not been attributed to these petitioners. It is further submitted that from the petitioners' side several injuries were caused to the persons and some of the injury reports are enclosed with the petition.

6. Learned counsel for the informant has though opposed the prayer for pre-arrest bail of the petitioners but does not dispute that the parties had a fight over a land dispute and both the parties had indulged in free fight.

7. Having regard to the facts and circumstances of the case, there being a case and counter case and injuries to both the sides on account of a land dispute, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Pulparas P.S. Case No. 485 of 2021 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., 1<sup>st</sup>, Jhanjharpur, District-Madhubani, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. 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.

9. This application stands allowed.

**(Rajeev Ranjan Prasad, J)**

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