

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29113 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- NADI NAINAHA District- West
Champaran

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1. SUGRIV YADAV SON OF LATE YODHA YADAV R/O- VILL-
PURAINA, P.S.- NADI, DIST.-WEST CHAMPARAN
 2. PRATIMA YADAV WIFE OF SUGRIV YADAV R/O- VILL- PURAINA,
P.S.- NADI, DIST.-WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar, Advocate
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, A.P.P.
For the Informant	:	Mr. Zainul Abedin, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-01-2023 At the outset, learned counsel for the petitioner seeks permission to make a rectification in the cause title with respect to petitioner no. 2 as it has been submitted that inadvertently the name of the petitioner no. 2 is recorded as Pratima Yadav when it ought to have been Pratima Devi.

Permission is accorded.

Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant.

The petitioners seek bail in a case registered for the offences punishable under Sections 341, 323, 324, 354, 302, 504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no.



2 is a woman and are in custody since 28.01.2022 and the informant alleges that on account of previous dispute, four named accused persons came and took her husband outside the house and started assaulting and on alarm being raised by her husband, she went outside and rushed to the house of Sugriv Yadav where she saw that Sugriv Yadav and Pratima Devi and their 4 sons were assaulting her husband with *lathi*, *bhala* rod and *danda* and when she intervened, it is alleged that the petitioner and his wife pulled her hair and assaulted her and her daughter. Further, on account of assault, the husband of the petitioner died.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that the entire family have been implicated, it is also submitted that from perusal of the allegation, it would manifest that initially it is alleged that 4 sons of the petitioners went to the house of the informant and called her husband and thereafter started assaulting him and on hearing the alarm she reached the house of the petitioner where she saw the petitioners also assaulting her husband and when she intervened, it is alleged that she along with her daughter were also assaulted. It is next submitted that as far allegation of assaulting the husband



of the informant is alleged that is against the sons of the petitioners and against the petitioners it is alleged that they assaulted the informant and her daughter but then no injury was found on them, as far as allegation of assaulting the husband of the informant is alleged by the petitioners, the same is ornamental.

Learned A.P.P. for the State and learned counsel for the informant oppose the bail application but the learned counsel for the informant also fairly submits that allegation of assaulting the informant and her daughter though alleged in the F.I.R., is by the petitioners, but then it is also alleged that petitioners also assaulted her husband along with their sons.

Considering the submission, the period of custody and also the fact that petitioner no. 2 is a woman, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Nadi P.S. Case No. 02 of 2022.

(Satyavrat Verma, J)

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