

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34708 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- BARABAR TOURIST District- Jehanabad

1. Dhanesh Kumar Yadav @ Dhanesh Yadav Son Of Kapil Dev Yadav Resident Of Village- Kutwan Chak, Ps Barabar Paryatak, (Wishnuganj Op), Distt- Jehanabad
2. Shanti Devi Wife Of Dhanesh Kumar Yadav @ Dhanesh Yadav Resident Of Village- Kutwan Chak, Ps Barabar Paryatak, (Wishnuganj Op), Distt- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners are in judicial custody in connection with Barabar Paryatak P.S. Case No.4 of 2023 instituted under Sections 341,323,302,504/34 of the Indian Penal Code lodged on 09.10.2023 by the informant Chhunu Lal Kumar.

As per the FIR, allegation is that due to scuffle between the parties the accused side including the two petitioners assaulted them and in the process allegation is that the petitioner's son, Pramod Kumar threw the one and half month child on the ground causing his death.

It is his submission that the main allegation is against Pramod Kumar of throwing the child on the ground. So far as



the allegation of assault is concerned, there is no injury report to support the prosecution story.

Learned APP opposes the prayer but concede that the allegation of throwing away the one and half month child is alleged against one Pramod Kumar, son of the two petitioners.

Considering the aforesaid submissions of the learned counsel for the petitioners that there is no injury report relating to assault on other persons, main allegation of throwing the child on the ground is attributed to Pramod Kumar, the couple is in custody since 10.01.2023 (as stated in paragraph-10 of the petition), this Court is inclined to extend them privilege of bail.

Let both the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Barabar Paryatak P.S. Case No.4 of 2023 to the satisfaction of learned ADJ, Ist, Jehanabad, subject to following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show themselves 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 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;

(iv) 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)

Prakash Narayan /-

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