

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38703 of 2023

Arising Out of PS. Case No.-252 Year-2022 Thana- BALIYA District- Begusarai

1. Rambali Yadav, S/O Kishundev Yadav, R/O Village- Baddarpur, P.S- Lakho, Distt.- Begusarai.
2. Sumitra Devi @ Savitri Devi, W/O Rambali Yadav, R/O Village- Baddarpur, P.S- Lakho, Distt.- Begusarai.
3. Ramashish Yadav, S/O Kamo Yadav, R/O Village- Baddarpur, P.S- Lakho, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioners and learned counsel for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Ballia P.S. Case No. 252 of 2022, registered for the offences under Sections 341, 323, 307, 379, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, petitioners and other co-accused persons assaulted the pregnant informant with iron rod causing fracture on her head. They also hit on her abdomen with slaps and fists and looted maize kept in the house of the informant.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Petitioners and the informant are agnates and there is an on going land dispute between them. There is case and counter case between the parties and a case bearing Ballia P.S. Case No. 253 of 2022 has been filed by the petitioners' side for the same and similar allegation. Some altercation took place and the informant's side committed assault. Learned counsel further submits that there is no injury report for the said occurrence and this shows the falsity of allegation. The informant gave birth to a baby on 15.01.2023 and this shows the false allegations made against the petitioners. The petitioners are having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail submitting that there is specific allegation against the petitioners that they assaulted the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the specific submission made on behalf of the petitioners regarding absence of injury report for the occurrence dated 12.09.2022 and further considering the possibility of false accusation, let the petitioners above named in the event of their arrest or surrender before the court concerned within a period of eight



weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai/concerned court in connection with Ballia P.S. Case No. 252 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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