

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42087 of 2023

Arising Out of PS. Case No.-698 Year-2019 Thana- COMPLAINT CASE District- Banka

1. Bahadur Yadav Son Of Gajo Yadav Resident Of Village - Asnatari, P.O. And P.S. - Suiya, District - Banka
2. Teklal Yadav @ Taklal Yadav Son Of Gajo Yadav Resident Of Village - Asnatari, P.O. And P.S. - Suiya, District - Banka
3. Pintoo Kumar Yadav Son Of Bahadur Yadav Resident Of Village - Asnatari, P.O. And P.S. - Suiya, District - Banka
4. Kuldip Yadav Son Of Teklal Yadav @ Taklal Yadav Resident Of Village - Asnatari, P.O. And P.S. - Suiya, District - Banka
5. Sanjay Kumar Son Of Teklal Yadav @ Taklal Yadav Resident Of Village - Asnatari, P.O. And P.S. - Suiya, District - Banka
6. Rajesh Kumar @ Rajesh Yadav Son Of Not Given Resident Of Village - Asnatari, P.O. And P.S. - Suiya, District - Banka

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar, Patna
2. Rina Devi Wife Of Sahdeo Yadav Resident Of Village - Asnatari, P.O. And P.S. - Suiya, District - Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr.Vinod Shanker Modi,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-08-2023 Heard Mr. Ajay Mukherjee, learned counsel for the
petitioners and the State.

The petitioners are apprehending arrest in connection with Complaint Case No. 698 of 2019 instituted under under Sections 341, 323, 504 of the Indian Penal Code and section 3/4 of Dyan Act lodged on 22.2.2019 by the complainant Rina Devi.



As per the prosecution story, the allegation of the complainant is that the petitioners were calling her 'Dayan' and on protest, not only assaulted but tried to make her drink faecal solution. The accused persons were blaming her for the death of their buffalo. Accordingly, the complaint.

Learned counsel for the petitioner submits that they are agnates, though they are accused in one another case, have been unnecessary dragged in the present case on exaggerated allegation.

It is his further submission that they being agnates, irrespective of the outcome of the present case as also the accepting the allegation, they intend to pay Rs. 2000/- each (totalling 12000/-) to the lady Rina Devi to be deposited with the concerned Court through Demand Draft.

Learned APP opposes the prayer stating that the allegation against the petitioners are grave and they shall follow the evil to the society and in the process, blamed her for the death of their buffalo.

This Court finds force in the submission put forward by the learned APP that even in 21st Century, for the death of a buffalo, blame is being put on the lady and in the process, her prestige is put at stake. It is further always convenient for a



male dominating society to put blame on a lady and in the process, to put blame, abuse, torture, ridicule and lower her prestige in the eyes of the society.

However, considering the fact that a complaint has been lodged and ultimately they will be facing the trial, they may be given a chance to transform themselves and come out of their own wrong superstition, this Court is inclined to extend them privilege of anticipatory bail subject to payment of Rs. 2000/- each by the accused persons, as undertaken by the learned counsel for the petitioners, as stated above.

Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Complaint Case No. 698 of 2019 to the satisfaction of learned Judicial Magistrate-1st Class, Banka subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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 co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) 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 the bail bonds;

(vi) 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.

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

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