

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40486 of 2023**

Arising Out of PS. Case No.-109 Year-2017 Thana- PAHARPUR District- East Champaran

1. JAIPATI DEVI W/O LATE HARI YADAV @ HARI SHANKAR YADAV R/O Village- Majhariya, P.S- Malahi, Distt.- East Champaran.
2. Urmila Devi W/O Prasad Yadav R/O Village- Majhariya, P.S- Malahi, Distt.- East Champaran.
3. Sunar Yadav @ Sundar Yadav @ Ram Sunar Yadav S/O Vijay Yadav R/O Village- Majhariya, P.S- Malahi, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Abhishek Kumar, Advocate  
For the Opposite Party/s : Mr. Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      28-07-2023      Heard the parties.

The petitioners are apprehending their arrest in connection with Paharpur (Malahi) P.S. Case No. 109 of 2017 for the offence under Sections 147, 148, 149, 341, 323, 324, 447, 307, of the I.P.C. lodged on 04.05.2017 by the informant, Jaleshwar Yadav.

As per the prosecution story, the allegation of assault on the informant side has been attributed to Dadan Yadav, Lalan Yadav and Lalbabu Yadav. Further, the allegation is that Jitendra and Dadan entered his house and also assaulted the children and broke the doors of the house. Vinay Yadav assaulted the informant's son. Further, where allegation against the petitioners Sunar Yadav, Kalawati Devi and Urmila Devi is/are of assaulting the informant side and mother causing injury. Accordingly, the



F.I.R.

It is the case of the petitioners that earlier petitioners were not sent up for trial, but learned C.J.M. Motihari differed from the police report and took cognizance and issued summons necessitating this application.

Learned APP opposes the prayer stating that in any case, the cognizance was taken in 2019 and four years later, the present anticipatory bail application.

Considering the facts so far as the petitioner no. 3, Sunar Yadav @ Sundar Yadav is concerned, his anticipatory bail is rejected with a direction to surrender before the concerned Court.

Regarding petitioner nos. 1 and 2 namely, Jaipati Devi and Urmila Devi, taking into account that they are ladies, do not have criminal antecedents and ultimately will have to face the trial, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

Let the petitioner nos. 1 and 2, named above be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Paharpur (Malahi)



P.S. Case No. 109 of 2017 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following 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 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;

(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.

With the aforesaid observations, the anticipatory bail application is allowed.

**(Rajiv Roy, J)**

kiran/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

