

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48176 of 2023

Arising Out of PS. Case No.-167 Year-2023 Thana- LAKHISARAI District- Lakhisarai

1. Pinki Devi, Wife of Pradeep Yadav, Resident of Village- English, Ward No. 03, P.S.- Lakhisarai, Dist- Lakhisarai
2. Pradeep Yadav, Son of Balkishun Yadav, Resident of Village- English, Ward No. 03, P.S.- Lakhisarai, Dist- Lakhisarai
3. Dilip Yadav, Son of Balkishun Yadav, Resident of Village- English, Ward No. 03, P.S.- Lakhisarai, Dist- Lakhisarai
4. Bikash Yadav, Son of Balkishun Yadav, Resident of Village- English, Ward No. 03, P.S.- Lakhisarai, Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mrs. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2023 Heard Mr. Sanjeev Kumar, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

2. At the outset, learned counsel for the petitioners submits that during the pendency of the present application, petitioners no.3 and 4, namely, Dilip Yadav and Bikash Yadav, got arrested and, as such, he seeks permission to withdraw their bail application.

3. Permission is accorded.

4. The petitioners no.1 and 2, namely, Pinki Devi and Pradeep Yadav, are apprehending their arrest in connection with Lakhisarai P.S. Case No. 167 of 2023 registered for the offences



punishable under Sections 341, 323, 307, 504, 337, 338 and 325/34 of the Indian Penal Code.

5. Allegedly on account of a dispute regarding drainage, all the F.I.R. named accused persons, including the petitioners, assaulted the informant and his family members, due to which the informant, his mother and sister sustained serious injuries.

6. Learned counsel appearing on behalf of the petitioners submits that from the narration made in the F.I.R., it is evident that both the parties are neighbours and on account of the dispute over a drainage, a free fight took place, which resulted into lodging of case and counter case. That apart, the brother of petitioner no.2 also instituted Lakhisarai P.S. Case No. 168 of 2023 on the same day. He next submits that the allegation of assault levelled against petitioner no.2 (Pradeep Yadav) does not corroborate by the injury report, inasmuch, as the victim Subham Kumari has not sustained any injury. Further, the petitioner no.1 (Pinki Devi) is a lady and there is omnibus nature of allegation that she along with Chandan and Vikash assaulted Sandhya and Nikita, however, Sandhya has not sustained any injury, whereas Nikita sustained one grievous injury, the report of which is issued by a private hospital. He



next submitted that petitioners no.1 and 2 are the persons of fair antecedents and they undertake that they will not commit such type of crime in future.

7. On the other hand, learned APP for the State opposes the bail application.

8. Having considered the submissions made on behalf of the parties and considering the nature of allegation and the genesis of dispute, coupled with their fair antecedents, let the petitioners no.1 and 2, namely, Pinki Devi and Pradeep Yadav, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No. 167 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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