

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.50270 of 2022**

Arising Out of PS. Case No.-11 Year-2022 Thana- BIRAUL District- Darbhanga

1. AJAY KUMAR @ AJAY KUMAR YADAV S/O GAURI YADAV @ GAURI SHANKAR YADAV Resident of village- Bathanaha, P.S.- Biraul, District- Darbhanga
2. UPENDRA YADAV S/O RAM SHARAN YADAV Resident of village- Bathanaha, P.S.- Biraul, District- Darbhanga
3. SHANKAR YADAV @ SHIV SHANKAR YADAV S/O RAM SHARAN YADAV Resident of village- Bathanaha, P.S.- Biraul, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr.Binod Kumar-III, APP

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

ORAL ORDER

2      10-01-2023                      Heard learned counsel for the petitioner and the State.

The petitioners are apprehending arrest in connection with Biraul P.S. Case No. 11 of 2022 instituted under sections 143, 323, 341, 354(B), 380, 452, 506 of the Indian Penal Code.

As per the prosecution story, the allegation is that the petitioner assembled and assaulted the informant and his wife and the specific allegation against one Balkrishna Yadav is of assaulting the informant's wife and also outraging her modesty.

Learned counsel for the petitioners submit that there is dispute between the parties and earlier the petitioners side had also lodged a case under sections 366A of the Indian Penal Code



against the informant side. Further, the omnibus allegation is there and so far as the injuries are concerned, a perusal of the learned Sessions Judge's order would show that the same has been found to be simple in nature having pain in the abdomen and the back.

The last submission is the irrespective of the outcome of the present petition, the petitioner would like to extend medical assistance to the informant and his wife to the tune of Rs. 10,000/- each (Rs. 20,000/-) through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant and his wife after checking the credentials.

The learned APP on the other hand submits that although omnibus allegation is there but there is allegation of assault and as such he opposes the prayer.

Taking into account the aforesaid fact that the main allegation is against Balkrishna Yadav, so far as the other petitioners are concerned, there is omnibus allegation against them and the injuries have been found to be simple in nature, this Court is inclined to grant them relief subject to the payment of Rs. 20,000/- as stated above.

Let the petitioners be released on bail, in the event of



their 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 A.C.J.M.-Ist, Biraul, Darbhanga, in connection with Biraul P.S. Case No. 11 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Rajiv Roy, J)**

Ravi/-

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