

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54009 of 2022

Arising Out of PS. Case No.-65 Year-2022 Thana- NARDIGANJ District- Nawada

1. BASANTI DEVI W/O RAVINDRA YADAV Resident of Village - Bariyau, P.s.- Nardiganj, Distt.- Nawada.
2. Tusi Devi W/o Pintu Yadav Resident of Village - Bariyau, P.s.- Nardiganj, Distt.- Nawada.
3. Rita Devi W/o Devendra Yadav Resident of Village - Bariyau, P.s.- Nardiganj, Distt.- Nawada.
4. Devendra Yadav Son of Moti Yadav Resident of Village - Bariyau, P.s.- Nardiganj, Distt.- Nawada.
5. Moti Yadav Son of Ramdhani Yadav Resident of Village - Bariyau, P.s.- Nardiganj, Distt.- Nawada.
6. Chandan Kumar Son of Ravindra Yadav Resident of Village - Bariyau, P.s.- Nardiganj, Distt.- Nawada.
7. Mantu Kumar Son of Ravindra Yadav Resident of Village - Bariyau, P.s.- Nardiganj, Distt.- Nawada.
8. Nitish Kumar Son of Devendra Yadav Resident of Village - Bariyau, P.s.- Nardiganj, Distt.- Nawada.
9. Ravindra Yadav @ Ravindra Prasad Son of Moti Yadav Resident of Village - Bariyau, P.s.- Nardiganj, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Ranjan,Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-01-2023

At the outset, learned counsel for the petitioners submit that the petitioner nos. 7 & 9, namely, Mantu Kumar and Ravindra Yadav @ Ravindra Prasad respectively have since been arrested and petition as such, with regard to them has now become infructuous.

Accordingly, the petition with regard to petitioner nos. 7 & 9 are dismissed as infructuous.

Heard learned counsel for the petitioners and learned



APP for the State through video conferencing in view of the COVID 19.

The petitioners apprehend their arrest in connection with Nardiganj P.S. Case No. 65 of 2022 for the offence registered under Sections 147, 149, 341, 323, 325, 354, 307, 379, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution story, the informant alleged that while he was sitting at his home, accused persons armed variously came and in the process different roles of assault have been assigned to the accuseds herein which included assaulting on the head of the informant by petitioner no. 9, Ravindra Yadav as also of his mother by petitioner no. 8, Nitish Kumar.

Learned counsel for the petitioners submit that it is a matter of case and counter case and their case being earlier one vide Nardiganj P.S. Case No. 57 of 2022 in which petitioner side also suffered injury, the petitioners deserve bail.

Learned APP for the State, on the other hand, has pointed out that so far as mother of the informant is concerned, one of the injury given by petitioner no. 8, Nitish Kumar has been found to be grievous in nature.

Considering the aforesaid fact, this Court is not



inclined to grant relief to petitioner no. 8, Nitish Kumar. His prayer for anticipatory bail stands rejected.

So far as the petitioner nos. 1 to 6 are concerned, in view of the fact that the injuries given by them have been found to be simple in nature, they do not have criminal antecedent and will be cooperating in course of investigation, this Court is inclined to grant them relief.

Let the petitioner nos. 1 to 6, namely, Basanti Devi, Tusi Devi, Rita Devi, Devendra Yadav, Moti Yadav and Chandan Yadav respectively, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M.-1st Class, Nawada in connection with Nardiganj P.S. Case No. 65 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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