

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59818 of 2023

Arising Out of PS. Case No.-105 Year-2020 Thana- KURTHA District- Jehanabad

1. Madhesh Yadav Son of Ramvinay Yadav @ Bina Yadav R/o vill - Harpur, P.S. - Kurtha, Distt. - Arwal
2. Radhika Devi W/o Madhesh Yadav R/o vill - Harpur, P.S. - Kurtha, Distt. - Arwal

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-10-2023 Heard the parties.

2. The petitioners are apprehending arrest in connection with Kurtha P.S. Case No. 105 of 2020 instituted under Sections 341, 323, 308, 504/34 of the Indian Penal Code lodged on 24.5.2020 by the informant, Sukhi Yadav.

3. As per the prosecution story, the allegation is that the accused persons came and assaulted the informant causing injury on the head which resulted into lodging of the FIR.

4. Learned counsel for the petitioners submit that omnibus allegation has been made against the accused persons. They are family members and unnecessary dragged in the matter.



5. Learned APP submits that so far as the petitioner no. 1 Madhesh Yadav is concerned, allegation of assault is on him, the case is of 2020 and now he has moved before this Court for grant of anticipatory bail.

6. Taking into account the aforesaid fact, so far as the petitioner no.1 Madhesh Yadav is concerned, his prayer for anticipatory bail is refused.

7. Regarding petitioner no.2, Radhika Devi, considering that she is a lady, omnibus allegation is there, she do not have criminal antecedent, this Court is inclined to extend her the privilege of anticipatory bail.

8. Let the petitioner no.2, Radhika Devi be released on bail, in the event of her 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) with two sureties of the like amount each in connection with Kurtha P.S. Case No. 105 of 2020 to the satisfaction of learned Chief Judicial Magistrate, Arwal 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 no.2 who shall provide official document to show



his/her bona fide;

(ii) the petitioner no.2 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 her bail bond by the Trial Court itself;

(iii) the petitioner no.2 shall co-operate in the investigation and make herself available to the police as and when required;

(iv) the petitioner no.2 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;

(v) the petitioner no.2 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

