

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63929 of 2022

Arising Out of PS. Case No.-355 Year-2022 Thana- FATUA District- Patna

1. Shyam Bihari Prasad @ Shyam Bihari S/O Late Harinarayan Singh
 2. Baijnath Yadav S/O Late Harinaryan Singh
 3. Gaurav Kumar S/O Shyam Bihari Prasad
 4. Chotan Kumar @ Chotan Singh S/O Late Harinarayan Singh
 5. Ravi Kumar S/O Shyam Bihari Prasad
 6. Sunny Kumar S/O Shyam Bihari Prasad
- All the petitioners are resident of village- Narayana, P.O and P.S.- Fatua and District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anurag Singh, Advocate
		Mr.Dipak Kumar, Advocate
For the Opposite Party/s :		Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-04-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Fatua P.S. Case No.355 of 2022 instituted under Sections 323,341,354,379,504 and 34 of the Indian Penal Code lodged on 15.05.2022 by the informant, Sunita Devi.

As per the prosecution story, when the informant was in her house along with her mother-in-law and other male members had gone out of the house for work, taking undue advantage of this fact, Lal Bihari Prasad, Shyam Bihari Prasad, Baijnath Yadav, Chotan Kumar, Shravan Kumar, Bachan



Kumar, Gaurav Kumar, Ravi Kumar and Sunny Kumar broke the door and entered the house on the instruction of Baijnath Yadav, all equipped with deadly weapons.

The informant further alleged that on the instruction of Baijnath Yadav, Lal Bihari Prasad and Shyam Bihari Prasad assaulted the informant (Sunita Kumari) and thereafter Lal Bihari Prasad snatched the 'mangal sutra' and gave it to his son Gaurav Kumar. When mother-in-law of the informant (Sunita Kumari) came to her rescue, Chotan Kumar assaulted her with legs and she fell down. Bachan Kumar snatched a golden chain worth Rs.60,000/- from her neck and handed over to Gaurav Kumar. Thereafter, on the instruction of Baijnath Yadav, all the persons tried to outrage her modesty and was dragged outside the house. On seeing that the people are assembling, they fled away.

It has been submitted that there is case and counter case, the petitioner's side being an earlier version. Further, although allegation of assault is there, there is no injury report to support the said allegation.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Considering the aforesaid fact that there is case and



counter, the parties are agnates, the petitioners belong to the same family and one of them (petitioner no.2) 75 years of age, this Court is inclined to extend them relief.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Fatua P.S. Case No.355 of 2022 to the satisfaction of learned A.C.J.M., Patna, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan /-

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