

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60824 of 2023

Arising Out of PS. Case No.-88 Year-2023 Thana- KATEYA District- Gopalganj

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Pramod Yadav, Son of Sri Kishun Yadav @ Krishna Yadav, Resident of
Village - Barai, Beili, P.S. - Kateya, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
		Mr. Vikash Kumar Shukla, Advocate
For the Opposite Party/s	:	Mrs. Pushpa Sinha 1, APP
For the Informant	:	Mr. Satyendra Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-12-2023 Heard Mr. Bimlesh Kumar Pandey, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State. The Informant is represented by Mr. Satyendra Rai,

learned counsel.

2. The petitioner is apprehending his arrest in
connection with Kateya P.S. Case No. 88 of 2023 registered for
the offences punishable under Sections 147, 149, 341, 323, 307,
302, 504 of the Indian Penal Code.

3. The prosecution case is based on the Fardbeyan of
the informant alleging therein that while the informant along
with his wife were on field, in the meantime, all the F.I.R.
named accused persons armed with Lathi and Danda came there
and started assaulting, due to which the wife of the informant
sustained injury and later on succumbed to it.



4. It is submitted on behalf of the petitioner that from the F.I.R., it is evident that the alleged occurrence took place on 21.02.2023, at about 10.00 AM, in the morning and thereafter the injured (deceased) was taken to hospital for treatment and after she being cured had taken to the house and thereafter again when her condition was deteriorated, she was taken to hospital where she died. Apart from omnibus allegation, admittedly in between 21.02.2023 to 24.02.2023 there is no complaint or any F.I.R. instituted by the informant and only after the death of his wife, the present F.I.R. has been instituted in order to settle the score. He further drew the attention of this Court to the post-mortem report and with reference thereto he submits that it clearly suggests that no external injury has been found over the body of the deceased. However, the cause of death is shown to be the haemorrhage and shock due to ante-mortem injury. He next submitted that taking note of the aforesaid facts, the learned coordinate Bench of this Court has allowed the privilege of anticipatory bail to other three co-accused persons in Cr. Misc. No. 61040 of 2023 vide order dated 13.10.2023.

5. On the other hand, learned APP for the State as well as informant vehemently opposed the bail application and submit that since the informant was all along engaged in the



treatment of his wife, thus the F.I.R. could not be instituted. Moreover, the petitioner cannot claim parity, as the only female members have been allowed the privilege of anticipatory bail.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the F.I.R. and the post-mortem report suggesting that there is no external injury on the person of the deceased and the fact that taking note of the aforesaid fact, the others co-accused persons have been allowed the privilege of anticipatory bail, let the petitioner, named above, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Kateya P.S. Case No. 88 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 petitioner.

(Harish Kumar, J)

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