

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64654 of 2023

Arising Out of PS. Case No.-234 Year-2023 Thana- RAGHOPUR District- Supaul

1. Urmila Devi, Wife of Brahamdev Yadav, Resident of Village - Ward No.6, Devipur, P.S. - Raghapur, District - Supaul
2. Pramila Devi, Wife of Shakindey Yadav, Resident of Village - Ward No.6, Devipur, P.S. - Raghapur, District - Supaul

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Murari Narain Chaudhary, Advocate
For the State	:	Mr. Bharat Bhushan, APP
For the Informant	:	Mr. Naresh Kumar Mehta, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Raghapur P.S. Case No. 234 of 2023 registered for the offences punishable under Sections 147, 148, 149, 302, 307, 323, 324, 341, 504 and 506 of the Indian Penal Code.

3. As per the prosecution story, on 13.06.2023 all the accused persons including these petitioners variously armed came at the house of the informant and assaulted the informant and his family members. It is alleged that co-accused Sakindey Yadav and Brahamdev Yadav assaulted the informant and his family members by means of dabiya and rod. It is further alleged that co-accused Santosh Kumar and Niraj Kumar assaulted Kapildev Yadav (son of the informant) by means of iron rod and other co-accused persons

thrashed Vijay Kumar. All the injured persons were taken to the hospital and on the way to hospital, Kapildev succumbed to his injuries.

4. Learned counsel for the petitioners seeks permission to withdraw this application on behalf of Pramila Devi (petitioner no. 2) with liberty to file a fresh application giving complete criminal antecedent of petitioner no. 2.

5. Learned counsel for the informant has disclosed that petitioner no. 2 has got one criminal antecedent.

6. Considering the prayer for withdrawal of the application on behalf of petitioner no. 2 with liberty, this Court permits learned counsel for the petitioners to withdraw this application on behalf of petitioner no. 2 and present a fresh application giving complete criminal antecedent of petitioner no. 2.

7. So far as petitioner no. 1 is concerned, learned counsel for the petitioners submits that on a bare perusal of the first information report, it would appear that there is no allegation of commission of any overt act against petitioner no. 1. She has been never named in the FIR being a family member of the petitioners' side. It is submitted that so far as deceased Kapildev Yadav is concerned, it is specifically stated that he was assaulted by co-accused Santosh Kumar and Niraj Kumar.

8. Learned counsel for the informant and learned APP for the State do not dispute the contention that so far as petitioner no. 1

is concerned, there is no allegation of commission of overt act against her.

9. Having regard to the facts and circumstances of the case, there being no allegation of commission of overt act against petitioner no. 1 and she has otherwise no criminal antecedent, this Court directs that in case of her arrest or surrender within a period of six weeks from today, the petitioner no. 1 above named be released on bail in connection with Raghapur P.S. Case No. 234 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Birpur (Supaul), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

10. And further condition that the court below shall verify the criminal antecedent of the petitioner no. 1 and in case at any stage it is found that the petitioner no. 1 has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 1. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

11. This application as regards petitioner no. 1 stands allowed.

(Rajeev Ranjan Prasad, J)

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