

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69917 of 2023

Arising Out of PS. Case No.-47 Year-2018 Thana- MAHILA P.S. District- Sheikhpura

1. RAMESHWAR YADAV S/o LATE HARI PRASAD YADAV @ LATE HARI YADAV Village- Sarwa Ps- Barbigaha Dist- Sheikhpura
2. Rinku devi wife of Rameshwar Yadav Village- Sarwa Ps- Barbigaha Dist- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bajarangi Lal

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-11-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Sheikhpura Mahila P.S. Case No. 47 of 2018 registered for the offences punishable under Sections 341, 323, 504, 379/34 IPC and $\frac{3}{4}$ Dine Prohibition Act.

3. As per prosecution case, petitioners and others are alleged to have abruptly entered the informant's room, hurling abuse and branding the informant as a witch. It is further alleged that petitioner no. 1, Rameshwar Yadav, climbed on informant's chest with intention to kill. It is further alleged that petitioner no. 2 Rinku Devi and co-accused Khusbu



climbed on the informant's head with intention to kill. It is further alleged that petitioner no. 2 Rinku Devi assaulted the informant with rod, after which she became unconscious.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioners bear no criminal antecedent. He further submits that informant's husband, petitioner no. 1 Rameshwar Yadav and co-accused Ram Pravesh Yadav are full brother and all of them reside in the same house and there is a family dispute regarding apportionment of share among them and on the date of occurrence some altercation took place for partition of main door as a result of which informant lodged false and fabricated case against the petitioners. He further submits that allegation of theft or snatching is ornamental in nature and nothing has been recovered from the conscious possession of the petitioners. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioners under the aforesaid sections.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the



case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura Mahila P.S. Case No. 47 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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