

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68358 of 2023

Arising Out of PS. Case No.-177 Year-2023 Thana- BANMANKHI District- Purnia

1. RAKESH KUMAR @ RAKESH KUMAR YADAV SON OF LATE RAMDEV YADAV VILLAGE- DHIMA, PS- BANMANKHI, DIST- PURNEA
2. RAJESH YADAV @ RAJESH KUMAR @ RAJESH KUMAR YADAV SON OF LATE RAMDEV YADAV VILLAGE- DHIMA, PS- BANMANKHI, DIST- PURNEA
3. PINKU KUMAR YADAV @ ROSHAN KUMAR RAMAN SON OF LATE RAMDEV YADAV VILLAGE- DHIMA, PS- BANMANKHI, DIST- PURNEA
4. ANIKET KUMAR SON OF RAJESH KUMAR YADAV VILLAGE- DHIMA, PS- BANMANKHI, DIST- PURNEA
5. RAJKUMARI DEVI WIFE OF LATE RAMDEV YADAV VILLAGE- DHIMA, PS- BANMANKHI, DIST- PURNEA
6. KANCHAN DEVI WIFE OF RAJESH KUMAR YADAV VILLAGE- DHIMA, PS- BANMANKHI, DIST- PURNEA
7. NITU KUMARI WIFE OF PINKU KUMAR YADAV VILLAGE- DHIMA, PS- BANMANKHI, DIST- PURNEA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

- 2 01-11-2023 1. Heard learned counsel for the petitioners and learned counsel for the State.
2. Petitioners apprehend arrest in connection with Banmankhi P.S. Case No. 177 of 2023 registered for the offences under Sections 341, 342, 323, 324, 325, 307 and 34 of the Indian Penal Code.



3. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the instant case merely because they are relatives of the husband of the informant's daughter. Further submission is that there is general and omnibus allegation against petitioner nos.3, 4, 5, 6 & 7. Petitioner nos.3, 4, 5, 6 & 7 have no criminal antecedent.

4. Learned Additional Public Prosecutor appearing for the State opposes the prayer for bail of petitioner nos. 1 & 2 by contending that in the first information report, there is direct allegation against them of assaulting the informant's daughter namely Khushboo Kumari and her minor son by causing fracture to her daughter's leg and grievous injury to her daughter's son which is also corroborated by the injury report as contained in the impugned order. It is further submitted that petitioner no. 1 has two criminal antecedents. He therefore, submits that petitioner nos. 1 & 2 does not deserve to be enlarged on anticipatory bail.

5. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner no. 3, 4, 5, 6 & 7 namely Pinku Kumar Yadav @ Roshan Kumar Raman, Aniket Kumar, Rajkumari Devi, Kanchan Devi & Nitu Kumari be released on bail, in the event



of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing personal bond to the satisfaction of Chief Judicial Magistrate, Purnea in connection with Banmankhi P.S. Case No. 177 of 2023, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

6. So far as the prayer of petitioner nos. 1 & 2 namely, Rakesh Kumar @ Rakesh Kumar Yadav and Rajesh Yadav @ Rajesh Kumar @ Rajesh Kumar Yadav is concerned, considering that there is direct allegation of causing grievous injury against them which is corroborated by the injuries, this Court is not inclined to grant the privilege of anticipatory bail to petitioner nos. 1 & 2. Their prayer for bail is accordingly rejected.

(Arvind Srivastava, J)

anuradha/-

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

