

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70421 of 2023

Arising Out of PS. Case No.-616 Year-2023 Thana- MAJHAULIA District- West Champaran

1. Kavita Devi W/O Sri Bhairo Yadav Resident Of Village- Chailabhar, Ward No.-06, P.S- Majhauria, Distt.- West Champaran.
2. Arti Kumari D/O Sri Bhairo Yadav Resident Of Village- Chailabhar, Ward No.-06, P.S- Majhauria, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sagar Kumar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

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

2. The petitioners apprehend arrest in connection with
Majhauria P.S. Case No. 616 of 2023 dated 25.07.2023
instituted for the offence punishable under Sections 341, 323,
324, 307, 379, 504/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on
17.07.2023 at about 12.00 noon, the informant's neighbour,
namely, Bhairo Yadav along with his family members was
planting tree on the informant's land. On protest made by
informant's brother, namely, Nandlal Yadav, Bhairo Yadav
started abusing his brother. Thereafter, petitioners along with



Bhairo Yadav, Deepak Yadav and Deepu Yadav, all armed with weapon came there and Deepu Yadav assaulted the informant's brother by *Kudal* on his head, due to which he sustained injury in his head. Bhairo Yadav with the help of Deepak Yadav assaulted the informant on his head by means of *Farsa*. It is alleged that both petitioners also assaulted informant's niece, namely, Amrita Devi. It is further alleged that co-accused Deepak Yadav took away Rs. 2000/- from the pocket of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that the specific allegation of assault on the informant and his brother is against Dipu Yadav and Bhairo Yadav. Learned counsel for the petitioners further submits that there is no specific allegation against the petitioners, who belong to the same family and have been made accused only on the basis of general and omnibus allegation. Petitioner no. 1 is the wife of Bhairo Yadav and petitioner no. 2 is the daughter of Bhairo Yadav. Learned counsel for the petitioners submits that a compromise petition has been filed in the lower court stating that the dispute prevailing between the parties has been amicably settled. Learned counsel for the



petitioners submits that there is civil dispute between the parties.
Lastly, it has been submitted that petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Majhaulia P.S. Case No. 616 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran at Bettiah subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

premchand/-

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

