

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74612 of 2023

Arising Out of PS. Case No.-124 Year-2023 Thana- BAUNSI District- Banka

1. SUNIL YADAV @ DR. SUNIL KUMAR @ SUNIL KUMAR YADAV Son of Samar Yadav R/o vill - Tetariya, P.S. - Bounsi, Distt. - Banka, At present residing of Mohalla - Viya Bhitha, Bhagalpur Road, Nagar Panchayat Bounsi, P.S. - Bounsi, Distt. - Banka
2. Minki Kumari @ Milki Yadav Devi @ Minki Yadav Devi W/o Sunil Yadav @ Dr. Sunil Kumar @ Sunil Kumar Yadav R/o vill - Tetariya, P.S. - Bounsi, Distt. - Banka, At present residing of Mohalla - Viya Bhitha, Bhagalpur Road, Nagar Panchayat Bounsi, P.S. - Bounsi, Distt. - Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Verma, Adv.
For the Opposite Party/s : Mr.Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-12-2023 Heard Mr. Umesh Kumar Verma, learned counsel for the petitioners and Mr. Dilip Kumar No.1, learned APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 341, 323, 325, 379, 354(B), 504, 506/34 of the IPC.

3. As per the prosecution case, petitioner no.1 came at the house of the informant and tried to outrage her modesty and on alarm, her husband came there. Thereafter, the petitioner no.1 assaulted the husband of the informant and other accused persons also came there and started assaulting him with lathi and iron rod. In the meantime, petitioner no.1 theft Rs.20,000/- cash



from the Almirah of the informant and petitioner no.2 took away silver chain from the neck of informant.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to prior enmity. No such occurrence, in the manner as alleged has ever taken place. Petitioner no.1 is a Medical Practitioner and petitioner no.2 is a proprietor of a medical shop and on the alleged date of occurrence they were engaged in their respective work. Earlier the brother of the petitioner no.1 has filed a complaint case against the present informant and other accused persons regarding illegal purchase, forgery committed by these accused persons of Raiyati land of the petitioners and thereafter, the petitioners have been implicated in the present case. It is further submitted that the real fact is that there is a land dispute between the parties for which Title (Declaration) Suit No.224/2022 is going on between the parties. Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within



a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Baunsi P.S. Case No.124 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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