

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75269 of 2023

Arising Out of PS. Case No.-388 Year-2022 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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1. DEEPAK KUMAR, aged about 28 years, Male, SON OF PARAS NATH
 2. VINOD KUMAR @ SHREE BHAGWAN SINGH, aged about 31 years, Male, SON OF HARIVANSH SINGH
 3. RAM AWATAR SINGH, aged about 41 years, Male, SON OF LATE HARIVANSH SINGH
 4. GORAKH PASWAN, aged about 44 years, Male, SON OF LATE DUDHI PASWAN
 5. RAJESH SAH @ RAJESH KR. JAISWAL, aged about 39 years, Male, SON OF SATNARAYAN SAH,
All RESIDENT OF VILLAGE - PUNAON, P.S. - BELAW, DISTRICT - KAIMUR (BHABHUWA)
 6. SHIVMUNI YADAV, aged about 36 years, Male, SON OF SACHNU YADAV RESIDENT OF VILLAGE - SONAO, P.S. - BELAW, DISTRICT - KAIMUR (BHABHUWA)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. RIMA DEVI WIFE OF SANTOSH YADAV @ RAJENDRA YADAV
RESIDENT OF VILLAGE - BHOEYA, P.S. - BELAW, DISTRICT - KAIMUR (BHABHUWA)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brajesh Prasad Gupta, Advocate
For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-11-2023 Heard Mr. Brajesh Prasad Gupta, learned counsel

 appearing on behalf of the petitioners and Mr. Aditya Narayan

 Singh.1, learned APP for the State.

 2. The petitioners seek pre-arrest bail in connection

 with Complaint Case No. 388 of 2022 dated 08.04.2022

 registered for the offence(s) punishable under Sections 147, 148,



149, 323, 304, 325, 354(B), 379 & 506/34 of the Indian Penal Code.

3. As per the allegation made in the complaint petition, the accused persons started abusing the husband of the complainant at his doorstep and when the pregnant wife of the complainant came to rescue him, petitioner no.1 kicked in her abdomen which caused miscarriage of foetus. Further allegation is of snatching a gold chain, worth of Rs.50,000/-. So far as allegation made against petitioner no.1 is concerned, i.e., culpable homicide.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioner no.1 has kicked the complainant in her abdomen which allegedly caused miscarriage of foetus and as far as rest of the petitioners are concerned, there is general and omnibus allegation against them. Petitioners have clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation and in absence of any direct allegation of assault against petitioner nos.2, 3, 4, 5 and 6, I am of the opinion that they have, *prima facie*, made out a case to be released on pre-arrest bail.



7. The petitioner nos.2, 3, 4, 5 and 6, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhuwa in connection with Complaint Case No. 388 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. So far as petitioner no.1 is concerned, he may surrender before the court below for seeking regular bail. In that case, the district court on the same day, on the basis of evidence collected in course of investigation and also considering the fact that if the material shows that as a counter blast to the case lodged by petitioner no.1 earlier to the present case, such allegation has been made against him after a delay of 7 days, during which period, the complainant was being treated, may pass the necessary order.

9. The court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will



automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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