

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6493 of 2024

Arising Out of PS. Case No.-257 Year-2020 Thana- KATORIYA District- Banka

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1. Suresh Yadav Son Of Sugdev Yadav Village-Sijhua, P.S.-Katoriya, District-Banka.
 2. Parwati Devi Wife Of Suresh Yadav Village-Sijhua, P.S.-Katoriya, District-Banka.
 3. Urmila Devi Wife Of Naresh Yadav Village-Sijhua, P.S.-Katoriya, District-Banka.
 4. Nitu Kumari @ Nitu Devi Wife Of Lakshman Kumar Yadav Village-Sijhua, P.S.-Katoriya, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-02-2024 Heard Mr. Ajay Mukherjee, learned counsel

appearing on behalf of the petitioners and Mr. Pramod Kumar

Pandey, learned APP appearing on behalf of the State.

2. The petitioners apprehends their arrest in

connection with Katoriya P.S. Case No. 257 of 2020 registered

under Sections 341, 323, 307, 504, 506, 324, 379/34 of the

Indian Penal Code.

3. As per the allegation made in the FIR, the accused

persons assaulted the informant and his wife, who sustained

head injury. Specific allegation is against co-accused namely

Lakshman Yadav and Suresh Yadav that they have assaulted

with iron rod.

4. Mr. Ajay Mukherjee learned counsel appearing on behalf of the petitioners submits that on the perusal of the FIR the offence under Section 307 of IPC is not made out against the petitioner nos.1, 2, 3 and 4 because the allegation against them is of assaulting with fist and slap and in want of any specific allegation of assault causing injury, the petitioners deserve to be released on bail.

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

6. Considering the rival submission made on behalf of the parties, as well as, specific allegation of assault made against co-accused Lakshman Yadav and Suresh Yadav and only general and omnibus allegation levelled against the petitioners, I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. Court below is directed to release the petitioners on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Banka/Court

Concerned, Banka in connection with Katoriya P.S. Case No.
257 of 2020, subject to the condition as laid down under Section
438(2) of the Cr.P.C.

(Purnendu Singh, J.)

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