

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4258 of 2024

Arising Out of PS. Case No.-87 Year-2023 Thana- LAUKAHA District- Madhubani

1. USHA DEVI @ KUSHAMA DEVI WIFE OF BHAGESHWAR YADAV
RESIDENT OF VILLAGE - SAHORWA, POLICE STATION -
LAUKAHA, DISTRICT - MADHUBANI
2. RITESH YADAV @ RITESH KUMAR SON OF PAWAN YADAV
RESIDENT OF VILLAGE - SAHORWA, POLICE STATION -
LAUKAHA, DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jay Ram Prasad, Adv.
For the State	:	Mr.Dilip Kumar No.1, APP
For the Informant	:	Mr.Bimal Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioners, learned counsel
for the informant and Mr. Dilip Kumar No.1, learned Additional
Public Prosecutor for the State.

2. The petitioners apprehend their arrest in a case registered
for the offence punishable u/s 447, 341, 342, 323, 324, 307, 302,
504/34 of the IPC.

3. The prosecution case in brief is that the F.I.R. named
accused persons including the petitioners came into the
courtyard of the informant, armed with deadly weapons and
assaulted the mother-in-law of the informant and thereafter, on
the order of one Vimal Yadav, Niraj Yadav assaulted with farsa



on the head of the informant's husband. Thereafter, all the accused persons indiscriminately assaulted the husband and the father-in-law of the informant. During course of treatment, the mother-in-law and the husband of the informant died.

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. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. There was prior land dispute between the parties and there is a case and counter-case between the parties. One person from the petitioner's side has also died. Petitioner no.1 has no criminal antecedent and petitioner no.2 has two criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering that petitioner no.1 is female, let the above named petitioner no.1, be released on bail, in the event of her 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) 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 Laukaha P.S. Case No.87 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. Considering the nature of allegation, I am not inclined to enlarge the petitioner no.2 on anticipatory bail. The prayer for grant of bail on his behalf is hereby rejected.

8. However, petitioner no.2 is at liberty to surrender before the learned Court below within a period of six weeks from today and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law, considering that the petitioner no.2 is a student.

9. This application is accordingly partly allowed.

(Anjani Kumar Sharan, J)

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