

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13492 of 2024

Arising Out of PS. Case No.-75 Year-2023 Thana- AMAUR District- Purnia

1. Manish Yadav @ Manish Kumar Yadav Son of Bipin Yadav Resident of Village- Belgachhi, P.S.- Amour, District- Purnea
2. Bhago Devi Wife of Bipin Yadav Resident of Village- Belgachhi, P.S.- Amour, District- Purnea
3. Guria Devi Wife of Manish Yadav @ Manish Kumar Yadav Resident of Village- Belgachhi, P.S.- Amour, District- Purnea
4. Sapna Devi Wife of Vishal Yadav @ Babu Saheb Resident of Village- Belgachhi, P.S.- Amour, District- Purnea
5. Bipin Yadav Son of Bholai Yadav Resident of Village- Belgachhi, P.S.- Amour, District- Purnea
6. Rakhi Devi @ Munni Devi Wife of Dharmendra Yadav Resident of Village- Belgachhi, P.S.- Amour, District- Purnea
7. Pushpa Devi Wife of Dablu Yadav Resident of Village- Belgachhi, P.S.- Amour, District- Purnea
8. Sulekha Devi Wife of Vinod Yadav Resident of Village- Belgachhi, P.S.- Amour, District- Purnea
9. Janardan Yadav Son of Basudeo Yadav Resident of Village- Belgachhi, P.S.- Amour, District- Purnea
10. Niraj Yadav @ Niraj Kumar Yadav Son of Umesh Yadav Resident of Village- Belgachhi, P.S.- Amour, District- Purnea
11. Sujit Yadav @ Sujit Kumar Son of Dablu Yadav Resident of Village- Belgachhi, P.S.- Amour, District- Purnea
12. Monu Yadav @ Monu Kumar Son of Vinod Yadav Resident of Village- Belgachhi, P.S.- Amour, District- Purnea
13. Sonu Yadav @ Sonu Kumar Yadav Son of Vinod Yadav Resident of Village- Belgachhi, P.S.- Amour, District- Purnea
14. Rachna Devi Wife of Ramesh Yadav Resident of Village- Belgachhi, P.S.- Amour, District- Purnea
15. Hina Devi @ Hina Kumari Wife of Niraj Yadav @ Niraj Kumar Yadav Resident of Village- Belgachhi, P.S.- Amour, District- Purnea
16. Basudeo Yadav Son of Late Chuni Lal Yadav Resident of Village- Belgachhi, P.S.- Amour, District- Purnea
17. Bholai Yadav Son of Late Chuni Lal Yadav Resident of Village- Belgachhi, P.S.- Amour, District- Purnea
18. Manti Devi Wife of Basudeo Yadav Resident of Village- Belgachhi, P.S.- Amour, District- Purnea
19. Dharmendra Yadav Son of Bipin Yadav Resident of Village- Belgachhi, P.S.- Amour, District- Purnea
20. Ramesh Yadav Son of Basudeo Yadav Resident of Village- Belgachhi, P.S.-



Amour, District- Purnea

- 21. Vinod Yadav Son f Bholai Yadav Resident of Village- Belgachhi, P.S.- Amour, District- Purnea
- 22. Dablu Yadav Son of Bholai Yadav Resident of Village- Belgachhi, P.S.- Amour, District- Purnea
- 23. Umesh Yadav Son of Basudeo Yadav Resident of Village- Belgachhi, P.S.- Amour, District- Purnea
- 24. Pappu Yadav @ Pappu Kumar Son of Umesh Yadav Resident of Village- Belgachhi, P.S.- Amour, District- Purnea
- 25. Vishal Yadav @ Babu Saheb Son of Bipin Yadav Resident of Village- Belgachhi, P.S.- Amour, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Sinha, Advocate
		Mr. Rounak Kumar Singh Pankaj, Advocate
For the Opposite Party/s :		Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-03-2024 Heard Mr. Rounak Kumar Singh Pankaj, learned
Counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Amour P.S. Case No. 75 of 2023 for the offence registered under sections 147, 148, 149, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code lodged on 05.03.2023 by the informant Bipin Yadav.

3. As per the prosecution story, the informant alleged that the accused persons (petitioners herein) armed variously with sword, sickle, farsa, knife, belt entered the mustard field



and started plucking it. Upon objection, they resorted to assault. Specific allegation is against petitioner nos. 19 to 25 of having assaulted the informant's side from head to toe. Further allegation is also against the other accused persons of assault. Accordingly, the FIR.

4. Learned Counsel for the petitioners submit that entire family members have been implicated as would manifest that almost six of them are ladies and some are boys, the accused also includes 80 years and 85 years old parents of the accused persons. Further, counter case is there lodged by the petitioners herein.

5. Learned APP for the State, on the other hand, points out that so far as petitioner nos. 19 to 25 are there, the allegations of assault on scalp as also bleeding of nose are there.

6. Considering the aforesaid facts as also that the petitioner nos. 19 to 25 namely, Dharmendra Yadav, Ramesh Yadav, Vinod Yadav, Dablu Yadav, Umesh Yadav, Pappu Yadav @ Pappu Kumar and Vishal Yadav @ Babu Saheb respectively have criminal antecedent, this Court is not inclined to extend them privilege of anticipatory bail and the same is accordingly rejected.

7. So far as the petitioner nos. 1 to 18 namely, Manish



Yadav @ Manish Kumar, Bhago Devi, Guria Devi, Sapna Devi, Bipin Yadav, Rakhi Devi @ Munni Devi, Pushpa Devi, Sulekha Devi, Janardan Yadav, Niraj Yadav @ Niraj Kumar, Sujit Yadav @ Sujit Kumar, Monu Yadav @ Monu Kumar, Sonu Yadav @ Sonu Kumar Yadav, Rachna Devi, Hina Devi @ Hina Kumari, Basudeo Yadav, Bholai Yadav and Manit Devi respectively are concerned, omnibus allegation of assault is/are against them, eight of them are ladies, some are boys and others are old people, this Court is inclined to extend them privilege of anticipatory bail.

8. Let the petitioner nos. 1 to 18 namely, Manish Yadav @ Manish Kumar, Bhago Devi, Guria Devi, Sapna Devi, Bipin Yadav, Rakhi Devi @ Munni Devi, Pushpa Devi, Sulekha Devi, Janardan Yadav, Niraj Yadav @ Niraj Kumar, Sujit Yadav @ Sujit Kumar, Monu Yadav @ Monu Kumar, Sonu Yadav @ Sonu Kumar Yadav, Rachna Devi, Hina Devi @ Hina Kumari, Basudeo Yadav, Bholai Yadav and Manit Devi respectively in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Purnea in



connection with Amour P.S. Case No. 75 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner nos. 1 to 18, who shall provide official document to show their *bona fide*;

(ii) the petitioner nos. 1 to 18 shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioner nos. 1 to 18 shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(iv) the petitioner nos. 1 to 18 shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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