

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20248 of 2024

Arising Out of PS. Case No.-334 Year-2023 Thana- LAXMIPUR District- Jamui

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1. KAILI DEVI @ KAILLU DEVI W/O Shiv Kumar Yadav R/O VILLAGE-
TARADIH, P.S.- GIDHAUR, DISTRICT- JAMUI
 2. JIRBA DEVI W/O BHUTAK YADAV R/O VILLAGE- TARADIH, P.S.-
GIDHAUR, DISTRICT- JAMUI
 3. BABALI DEVI @ BABOITA DEVI @ BABITA DEVI @ BABLI
KUMARI WIFE OF MUKESH YADAV R/O VILLAGE- TARADIH, P.S.-
GIDHAUR, DISTRICT- JAMUI
 4. ANIL YADAV SON OF LATE MAHENDRA YADAV R/O VILLAGE-
TARADIH, P.S.- GIDHAUR, DISTRICT- JAMUI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Kumar, Advocate
For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-04-2024 At the outset, Mr. Prakash Kumar, learned counsel for the petitioners submit that inadvertently in paragraph-3 of the petition, it was incorporated that the petitioners do not have criminal antecedent though they have criminal antecedent which has been brought on record by way of supplementary affidavit.

2. It is surprising that despite the Sessions Judge, Jamui recording the fact that anticipatory bail application is rejected only because the petitioners have criminal antecedent, the same was overlooked while recording in paragraph-3 that the petitioners do not have criminal antecedent.



3. Learned counsel for the petitioners is cautioned to remain agile in future.

4. Heard learned counsel for the petitioner and learned APP for the State.

5. The petitioners apprehend their arrest in connection with Laxmipur P.S. Case No. 334 of 2023 registered under Sections 148, 147, 149, 341, 323, 307, 427, 325, 504 and 506 of the Indian Penal Code lodged on 19.07.2023 by the informant, Parwin Kumar Yadav.

6. As per the prosecution story, the informant alleged that while he was digging foundation for construction of his house at Gidhaur Jhajha, Main Road, the accused persons armed variously came and allegation against Suresh Yadav is of using hammer to assault his father on head causing serious injury. Further, accused, Pucho Yadav also gave '*iron rod*' blow on his head. As his father fell down on the ground, Chandan Yadav after sat on his chest causing bleeding from his nose and mouth. He was taken to Primary Health Centre from where referred to Sadar Hospital, Jamui and later to Patna which followed the FIR.

7. Learned counsel for the petitioners submit that due to land dispute, the present occurrence. Further, main allegation



is/are against Suresh Yadav, Pucho Yadav and Chandan Yadav of assaulting the informant's father. Though the petitioners are in the column of accused, no direct role has been attributed and a bare perusal of the learned Session's Judge order would show that their case was rejected only because they have criminal antecedent.

8. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail

9. Taking into account the submissions put forward by the parties, there is omnibus allegation against these petitioner, FIR lodged and they will have to face the trial, this Court is inclined to grant them privilege of anticipatory bail.

10. Let the petitioners, 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 Additional Chief Judicial Magistrate-II, Jamui in connection with Laxmipur P.S. Case No. 334 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 petitioners who shall provide official document to show their



bona fide;

(ii) the petitioners 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 petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners 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;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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