

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18933 of 2024

Arising Out of PS. Case No.-102 Year-2023 Thana- DANDARI District- Begusarai

1. RUBI DEVI W/O KULDEEP YADAV R/O VILLAGE- MAHUA TOLA, LAXMIPUR P.S.- GANGAUR, DISTT.- KHAGARIA.
2. SHIV KUMAR YADAV @ SHIV KUMAR S/O SAHEB YADAV R/O VILLAGE- MAHUA TOLA, LAXMIPUR P.S.- GANGAUR, DISTT.- KHAGARIA.
3. MOHAN YADAV @ MOHAN KUMAR S/O HAKIM YADAV R/O VILLAGE- MAHUA TOLA, LAXMIPUR P.S.- GANGAUR, DISTT.- KHAGARIA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajit Kumar, Adv.

For the Opposite Party/s : Mr.Umanath Mishra, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 379, 307, 504, 506, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly, all the accused persons including the petitioners are said to have assaulted the informant's side brutally with deadly weapons due to which they sustained injuries.

4. It is submitted by learned counsel for the petitioners



that petitioners are quite innocent and they have committed no offence. No such occurrence as alleged ever took place. They have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. Though there is allegation against petitioner nos. 2 & 3 to open fire in air, but no any person sustained fire arm injury in the alleged occurrence. There is admitted land dispute between the parties. The injury of the informant's uncle is found simple in nature. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail and submits that injury no.1 of the informant is found grievous in nature and the author of the said injury is petitioner no.1. Hence, she does not deserve the privilege of anticipatory bail.

6. Having regard to the facts and circumstances of the case, as no any person sustained fire arm injury, let the above named petitioner nos. 2 & 3, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned



lower Court where the case is pending/successor Court in connection with Dandari P.S. Case No. 102 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. As there is serious allegation against petitioner no.1 to assault the informant with *garasa* on his head causing grievous injury, I am not inclined to enlarge petitioner no.1 on anticipatory bail. The prayer for anticipatory bail of the petitioner no.1 is hereby rejected.

8. However, if petitioner no.1 surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order considering the fact that petitioner is female and she has no criminal antecedent as well as keeping in view the order passed by the Apex Court in the case of ***Satendra Kumar Antil v/s. Central Bureau of Investigation & Anr.*** as reported in (2022) 10 SCC 51.

9. Accordingly, the application stands partly allowed.

(Anjani Kumar Sharan, J)

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