

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17708 of 2024

Arising Out of PS. Case No.-653 Year-2023 Thana- BARACHATTI District- Gaya

1. Priyanka Kumari @ Priyanka Devi Wife of Sarwan Yadav Resident Of Village- Mahuliya, Ps- Mohanpur, Distt- Gaya
2. Sunil Kumar Son of Birendar Yadav @ Virendra Yadav Resident Of Village- Mahuliya, Ps- Mohanpur, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Adv.

For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Barachatti (Mohanpur) P.S. Case No. 653 of 2023 dated 11-07-2023, instituted for the offence punishable under Sections 341,323, 307, 379, 504, 506, 147 and 149 of the Indian Penal Code.

3. The prosecution case in short is that petitioners, along with other accused persons armed with *lathi* and stones, assaulted the informant and his family members mercilessly with intention to kill them, on account of which, they sustained several injuries.



4. The learned counsel for the petitioners submits that petitioners are innocent and they have been falsely implicated in this case. It is submitted that both the parties are agnates and over a petty dispute, some scuffle had taken place between the parties. There is case and counter case between the parties. It is submitted that wife of petitioner No. 2 had lodged FIR bearing Barachatti (Mohanpur) P.S. Case No. 652 of 2023 on 11-07-2023 for the offences punishable under Sections 307 and other allied Sections of the IPC against the informant and his other family members. It is submitted that there is no specific allegation against the petitioners rather the allegation is general and omnibus. The allegation against the petitioner No. 2 is that he, along with two others, assaulted the informant by means of 'lathi' and stones. The allegation against the petitioner No. 1 is that he, along with two others, assaulted one Matia Devi by 'lathi' and stones, on account of which, they received injuries and except that, there is no allegation of assault against both the petitioners. It is submitted that from perusal of the injury report, which is annexed as Annexure(s) P/3 and P/4 to the bail petition, it is apparent that informant, namely, Lalan Yadav and his wife Meena Devi have sustained simple injury caused by hard and blunt substance. Lastly, it is submitted that



petitioners have no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Barachatti (Mohanpur) P.S. Case No. 653 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM- 2nd Sherghati (Gaya), or appropriate Court below, subject to condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Khatim Reza, J)

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