

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19959 of 2024

Arising Out of PS. Case No.-524 Year-2023 Thana- BAHADURPUR District- Darbhanga

1. AGAR DEVI WIFE OF SRI SHIVJI YADAV RESIDENT OF VILLAGE- GAIDHAI, ADAV, PO- PATOR, PS- BAHADURPUR, DIST- DARBHANGA
2. JAGARNATH YADAV SON OF LATE CHUHAI YADAV RESIDENT OF VILLAGE- GAIDHAI, ADAV, PO- PATOR, PS- BAHADURPUR, DIST- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anjani Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Madhuri Lata, APP
For the Informant	:	Mr. Harish Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-04-2024 Heard Mr. Anjani Kumar Sinha, learned counsel for the petitioners and Mr. Harish Kumar, learned counsel appearing on behalf of the informant and learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Bahadurpur (Pator O.P) P.S. Case No. 524 of 2023 for the offence under Sections 341, 448, 323, 324, 307, 354(B), 379, 504, 506 and 34 of the I.P.C. lodged on 01.11.2023 by the informant, Indradeo Yadav.

3. As per the prosecution story, the allegation is that when the wife of the informant was taking the straw for cattle there was a fight with the ladies on the accused side after hot discussion, in which, the male members also came and assaulted them, specific allegation is against Shivjee Yadav and Kapil Yadav of assaulting on the head with '*kudal*' and irod rod respectively. Accordingly, the FIR.



4. Learned counsel for the petitioners submit that there is case and counter-case, both one after another, petitioners do not have criminal antecedent, one of them is a sixty eight years old lady, omnibus allegation is against them, specific allegation is against Shivjee Yadav and Kapil Yadav and they will be diligently appearing in the trial.

5. Learned counsel appearing on behalf of the informant on the other hand submits that all of them with common intention assaulted the informant's side causing injury in the hand and the head and as such, they do not deserve privilege of anticipatory bail.

6. Taking into account the submissions put forward by the parties as also the perusal of FIR, there is direct allegation against Shivjee Yadav and Kapil Yadav, omnibus allegation is/are against them, they do not have criminal antecedent and one of them is a lady, this Court is inclined to extend them privilege of anticipatory bail with conditions.

7. Let the petitioners be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M., Darbhanga in connection with



Bahadurpur P.S. Case No. 524 of 2023 subject to the conditions 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 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 the bail bonds;

(iv) the petitioners 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.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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