

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20121 of 2024

Arising Out of PS. Case No.-32 Year-2018 Thana- SALAIYA District- Aurangabad

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1. KAIL YADAV SON OF LATE BECHU YADAV R/O-KOLHUA, P.S.-SALAIYA, DISTT.-AURANGABAD, BIHAR
 2. SONI DEVI WIFE OF ANIL YADAV R/O-KOLHUA, P.S.-SALAIYA, DISTT.-AURANGABAD, BIHAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lal Bahadur Singh, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-04-2024

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Salaiya P.S. Case No. 32 of 2018 for the offence under sections 341, 323, 324, 325, 379, 354(c), 307, 504/34 of the I.P.C. lodged on 06.06.2018 by the informant, Sonma Devi.

3. As per the prosecution story, the allegation is that all the accused persons including the two petitioners came and assaulted the informant's side. The allegation against these petitioners is/are of assaulting the Sonma Devi and Sumitra Devi. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that it is



a counter blast to the earlier case lodged by the petitioners' side which is also under section 307 of the IPC. Further, after investigation, the police submitted final form against these two petitioners while charge-sheet was submitted against Anil Yadav and his wife. However, as the learned Magistrate differed from the final form and took cognizance, this anticipatory bail application.

5. Learned APP opposes the prayer stating that allegation of assault and injury is/are there.

6. Taking into account the submissions put forward by the parties as also the perusal of record that after investigation, final form was submitted against these petitioners. However, cognizance has been taken by the learned Magistrate, FIR lodged, they will be facing the trial, one of them is a lady and do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

7. Let the petitioners be released on bail in the event of 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 ACJM-VIII, Aurangabad, in connection with Salaiya P.S. Case No. 32 of 2018 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 his/her 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.

(Rajiv Roy, J)

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