

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24858 of 2024

Arising Out of PS. Case No.-772 Year-2023 Thana- SHERGHATI District- Gaya

1. Manoj Yadav @ Manoj Kumar S/o Late Kailash Yadav R/o vill - Marha, P.s. - Dobhi, Distt. - Gaya
2. Musafir Yadav S/o Late Kailash Yadav R/o vill - Marha, P.s. - Dobhi, Distt. - Gaya
3. Usha Devi W/o Musafir Yadav R/o vill - Marha, P.s. - Dobhi, Distt. - Gaya
4. Biku Kumar @ Biku Yadav S/o Chandrika Yadav R/o vill - Marha, P.s. - Dobhi, Distt. - Gaya
5. Kanti Devi W/o Manoj Yadav @ Manoj Kumar R/o vill - Marha, P.s. - Dobhi, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-05-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Sherghati (Dobhi) P.S. Case No. 772 of 2023 for the offence under Sections 147, 341, 323, 307, 504 and 354 of the I.P.C. and under Sections 3/4 of Dian Act lodged on 15.07.2023 by the informant, Asha Devi.

3. As per the prosecution story, the informant alleged that the accused persons who are neighbour came to her home and started abusing, alleging that she is a '*Dayan*' and thereafter brutally assaulted. She alleged that whenever anyone in their



family fell sick, she is abused. She was taken to the Health Center, Dobhi and then to the ANMMCH, Gaya for better treatment. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that they are neighbour and an exaggerated FIR has been lodged, the injury has been found to be simple in nature. He further submits that none of them have any criminal antecedent and the last submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioners on its own would like to contribute towards the medical assistance of Rs. 7,000/- each (totalling Rs. 35,000/-) through Demand Draft addressed in the name of Asha Devi, wife of Paras Yadav, R/o Marha, P.S. Dobhi, District- Gaya issued by the local State Bank of India branch to be submitted before the 'Nazarat' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP opposes the prayer stating that despite we have reached the quarter part of the 21st Century, the social evil continues and for a sickness in the family, the ladies are being abused/assaulted as such, he opposes the prayer.

6. Though, this Court is in full agreement with the



submission put forward by the learned APP and observes that it is unfortunate that till now the ladies are being abused calling them as '*Dayan*' little realizing that how adversely it affects the personality of a human being as the said assault injures internally which is much more grievous than the external assault and ultimately a normal person is forced to lead a depressed life. However, in view of the fact that they are neighbours, injury has been found to be simple in nature, none of them have criminal antecedent, two of them are ladies, this Court is inclined to extend them privilege of anticipatory bail to the petitioners subject to payment of Rs. 7,000/- each (totalling Rs. 35,000/-) by the petitioners addressed to the lady/informant, Asha Devi as incorporated above.

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 ACJM-1st, Sherghati, Gaya in connection with Sherghati (Dobhi) P.S. Case No. 772 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.

(Rajiv Roy, J)

Adnan/-

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