

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31673 of 2024

Arising Out of PS. Case No.-370 Year-2023 Thana- BAHERI District- Darbhanga

1. Rajnish Kumar @ Bablu Son Of Umesh Prasad Yadav Resident Of Village - Rahi, P.S. - Baheri, District - Darbhanga
2. Umesh Prasad Yadav Son Of Late Ramavtar Yadav Resident Of Village - Rahi, P.S. - Baheri, District - Darbhanga
3. Ramprit Yadav Son Of Late Ramavtar Yadav Resident Of Village - Rahi, P.S. - Baheri, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-05-2024 Heard Mr. Vinay Kumar Mishra, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Baheri P.S. Case No. 370 of 2023, registered for the offences punishable under Sections 341, 323, 324, 308, 354 (B), 379, 504 and 506/34 of the Indian Penal Code.

3. Allegedly, while the informant was going at her *darwaza*, in the meantime, co-accused Rajnish Kumar @ Bablu armed with iron rod caught the hand of the informant and tried to take away in the street. On protest being made, accused



Umesh Prasad Yadav and Ramprit Yadav ordered to outrage her modesty whereupon, co-accused Rajnish Kumar @ Bablu caught the hair of the informant and pushed her down and assaulted indiscriminately. The accused persons also assaulted the husband of the informant.

4. Learned counsel appearing on behalf of the petitioners submitted at the bar that the petitioners and informant are co-villagers and on account of a land dispute, case and counter case has been instituted being Baheri P.S. Case No. 376 of 2023. It is further contended that from the narrations made in the FIR, it is evident that the alleged occurrence took place on 07.10.2023, however, the present FIR has been registered on 10.10.2023, without any explanation for delay. It is also the contention of the petitioners that since the occurrence has arisen on account of a land dispute, both the parties have settled the dispute outside the Court and they do not want to pursue the matter any further.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that apart from the specific allegation against the petitioners, it cannot be denied that some of the offences are not compoundable and, as such, the compromise in such matter has no meaning.



6. Regard being had to the submissions made on behalf of the petitioners and taking into consideration the delay in lodging of the FIR, coupled with the fair antecedent of the petitioners and their undertaking that they will fully co-operate in the investigation or in the proceeding of the Court, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 Additional Chief Judicial Magistrate-VII, Darbhanga in connection with Baheri P.S. Case No. 370 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

shivank/-

U		T	
---	--	---	--

