

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42928 of 2024

Arising Out of PS. Case No.-290 Year-2023 Thana- MAGADH UNIVERSITY District- Gaya

1. Butta Yadav @ Jay Prakash Yadav, aged about 38 years, Gener-Male, S/o Late Tilak Yadav
2. Vikas Yadav @ Vikas Kumar, aged about 20 years, Gender- Male, S/o Butta Yadav @ Jay Prakash Yadav
3. Munni Devi @ Reshmi Devi @ Reshmi Yadav, aged about 35 years, Gender, Female, D/o Late Tilak Yadav, W/o Sikandar Yadav
All are R/o vill - Shekhwara, P.S. - Magadh University, Distt. - gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tabish Sharfuddin, Advocate

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 25-09-2024 Heard Mr. Tabish Sharfuddin, learned counsel appearing on behalf of the petitioners and Mr. Tapeshwar Sharma, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Magadh University P.S. Case No. 290 of 2023 registered for the offence(s) punishable under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the deceased brother of the petitioner no.1 had borrowed a sum of Rs.5,60,000/- from the *Devar*, namely, Sumit Kumar of the informant. The informant demanded the said money back, to



which the petitioners no.1, 2 and 3, who are family members, assaulted the informant and her family member with an intention not to return back the money and kill them.

4. Learned counsel appearing on behalf of the petitioners submitted that there is no evidence in respect of money which has been alleged in the FIR to have been borrowed by deceased brother of the petitioner no.1. He further submitted that there is specific allegation against petitioner no.1/Butta Yadav that he had assaulted the informant but the injury sustained by the victim is simple in nature. General and omnibus allegation has been levelled against petitioners no.2 and 3. Petitioners have clean antecedents. On these grounds, petitioners seek to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and has submitted that the petitioner no.1 has admittedly assaulted the informant with an intention to kill along with the other co-accused.

6. Having considered the rival submissions made on behalf of the parties, as well as, the allegation made against the petitioners no.1, 2 and 3, **I find that there is direction allegation against petitioner no.1 that he had assaulted the informant on her head, I am not inclined to enlarge the**



petitioner no.1 on pre-arrest bail.

7. Insofar as petitioner no.2/Vikas Yadav @ Vikas Kumar and petitioner no.3/Munni Devi @ Reshmi Devi, are concerned, they are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gaya in connection with Magadh University P.S. Case No. 290 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The bail application is, accordingly, disposed of.

(Purnendu Singh, J)

Sanjay/-

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