

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51777 of 2024

Arising Out of PS. Case No.-34 Year-2021 Thana- KHIRI MORE District- Patna

1. Shanti Devi W/o Ram Pravesh Yadav R/o Village Banauli Khurd PS Khirimore Dist Patna
2. Abhay Kumar S/o Ram Parvesh Yadav R/o Village Banauli Khurd PS Khirimore Dist Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamlesh Prasad Yadav, Advocate.
For the State : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 19-07-2024 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

2. The petitioners seek anticipatory bail, apprehending their arrest, in connection with Khirimore P.S. Case No. 34 of 2021 dated 11.04.2021, registered for the offences punishable under Sections 147, 148, 149, 323, 307, 379, 447, 448, 504 of the Indian Penal Code. Subsequently, Section 302 of the Indian Penal Code was added.

3. The prosecution case as emerging from the FIR is that on 10.04.2021 the sister-in-law and daughter-in-law of the informant went for attending the natural call but while returning, they fell down into a ditch, dug by the co-accused Ram Pravesh



Yadav. It is further alleged that when protested by the informant in regard to the digging of the said ditch, all the accused-persons including the petitioners brutally assaulted the informant and his family members including the victim lady who died later on in course of her treatment

4. Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that as per the F.I.R. it is Ram Pravesh Yadav who had assaulted the victim by spade resulting into her death. But against the rest accused including the petitioners, there is no such specific allegation. Against the rest accused including the Petitioners, there is only omnibus allegation that they also beaten the whole family of the informant. He further submits that on account of previous land dispute, the informant has roped in all the family members in the case.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioners have no criminal antecedents.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioners for bail.



8. From perusal of the F.I.R. it transpires that the specific allegation is against co-accused Ram Pravesh Yadav and against the petitioners, there is only omnibus allegation that they have beaten the victim.

9. Considering the aforesaid facts and circumstances, this petition is allowed, directing the petitioners, above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Judicial Magistrate, Danapur, in connection with Khirimore P.S. Case No. 34 of 2021, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedent, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong,
Ld. court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J)

S.Ali/ravishankar

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