

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67538 of 2024

Arising Out of PS. Case No.-248 Year-2022 Thana- LAKHNAUR District- Madhubani

1. Ram Kumari @ Ram Kumari Devi Wife of Raghuvir Yadav Resident of Village - Nirmala, Ward No.- 03, Police Station - Lakhtaur, District - Madhubani.
2. Raso Devi @ Raso Devi Wife of Raj Kumar Yadav Resident of Village - Nirmala, Ward No.- 03, Police Station - Lakhtaur, District - Madhubani.
3. Subhash Kumar Yadav @ Subhash Yadav Son of Raj Kumar Yadav Resident of Village - Nirmala, Ward No.- 03, Police Station - Lakhtaur, District - Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ashok Kumar Prasad, Advocate
For the Opposite Party : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-10-2024 Heard Mr. Ashok Kumar Prasad, the learned counsel for the petitioners and Mr. Pranav Kumar, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Lakhtaur PS Case No. 248 of 2022, FIR dated 19.11.2022, registered for the offences punishable under Sections 147, 148, 341, 323, 324, 354(B), 307, 504 and 506 of the Indian Penal Code.

3. According to the prosecution case, the co-accused persons, variously armed, entered in the informant's house and assaulted the informant and her family members.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that upon perusal of the FIR, it appears that the specific allegation of assault is attributed against the co-accused person namely, Vikas Yadav, who has assaulted the informant. He further submits that due to admitted land dispute the present occurrence has taken place and both the parties are agnates. He lastly submits that as per allegation against these petitioners, that they have assaulted to the informant, however, injury report of the informant suggests that although she has received the injuries, but injuries are found to be simple in nature.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedent, there is case and counter case and injury inflicted upon informant is simple in nature, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within



a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond 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-I, Jhanjharpur, Madhubani, where the case is pending in connection with **Lakhnaur PS Case No. 248 of 2022**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioners.



However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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