

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69607 of 2024

Arising Out of PS. Case No.-123 Year-2024 Thana- KISHANPUR District- Supaul

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1. Shiv Dayal Yadav Son of Late Bhutaki Yadav @ Bhuki Yadav R/O Vill.- Sukhasan, Ward no. 04, P.S.- Kishunpur, Dist.- Supaul.
 2. Pinki Devi Wife of Laltu Yadav R/O Vill.- Sukhasan, Ward no. 04, P.S.- Kishunpur, Dist.- Supaul.
 3. Girija Devi @ Mirja Devi Wife of Shiv Dayal Yadav R/O Vill.- Sukhasan, Ward no. 04, P.S.- Kishunpur, Dist.- Supaul.
 4. Laltu Yadav Son of Shiv Dayal Yadav R/O Vill.- Sukhasan, Ward no. 04, P.S.- Kishunpur, Dist.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra
For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-10-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 323, 324, 325, 307/34 of the Indian Penal Code.

3. As per the FIR, petitioners brutally assaulted the informant and his family members due to which they sustained injuries.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such



occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is an admitted dispute on account of partition between the parties. It is further submitted that the matter has been compromised between the parties. Petitioner no.1, aged about 74 years is the own brother of the informant and petitioner nos.2 to 4 are daughter-in-law, wife and son of the petitioner no.1, respectively. Petitioners have no criminal antecedent.

5. Learned APP for the State opposed the prayer for anticipatory bail and submits that the two injuries are of grievous nature.

6. Considering that the petitioner no.1 is aged about 74 years and petitioner nos.2 and 3 are ladies, let the above named petitioner nos.1, 2 and 3, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Kishanpur (Kishunpur) P.S. Case No.123 of 2024, subject to the conditions as laid down under Section



438(2) of the Cr.P.C.

7. However, considering that two of the injuries of the injured are of grievous nature, I am not inclined to enlarge the petitioner no.4 on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

8. The petitioner no.4 is at liberty to surrender before the learned Court below within a period of six weeks from today and seek for regular bail and the learned Court below shall pass the order on the same day in accordance with law.

9. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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