

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71005 of 2023

Arising Out of PS. Case No.-300 Year-2023 Thana- MADHUBAN District- East Champaran

Jay Prakash Kumar Yadav @ J. Prakash S/O Umakant Rai @ Umashankar
Prasad Yadav Village- Madhuahan, Ps. Rajepur, Dist. East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 71039 of 2023

Arising Out of PS. Case No.-300 Year-2023 Thana- MADHUBAN District- East Champaran

NIRMALA DEVI Wife of Vijay Kumar Yadav R/o vill - Banjariya, P.S. -
Madhuban, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 71005 of 2023)

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, A.P.P.

For the Informant : Mr. Sanjay Kumar, Advocate

(In CRIMINAL MISCELLANEOUS No. 71039 of 2023)

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, A.P.P.

For the Informant : Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 19-07-2024 Both the aforementioned cases i.e. Cr. Misc. No.

71005 of 2023 and Cr. Misc. No. 71039 of 2023 are being

disposed of by a common order.

2. Heard learned counsel for the petitioners and the

State.

3. Petitioners apprehend arrest in a case registered for



the offences punishable under Sections 302/34 of the Indian Penal Code.

4. As per the prosecution case, on the alleged date and time of occurrence, while the informant along with her son and nephew was returning to the her house from the market, all the F.I.R. named accused persons including these petitioners and one unknown person caught the son of the informant and abused him. It is further alleged that co-accused Vijay Kumar Yadav assaulted son of the informant by means of iron rod and these petitioners are said to have twisted his testicle as a result of which he died during course of treatment.

5. Learned counsel for the petitioners submits that specific accusation of assault is against co-accused Vijay Kumar Yadav. There is general and omnibus allegation of assault against these petitioners. As per the post-mortem report, the deceased sustained only head and neck injury and no injury was found on the abdomen of the deceased and as such, allegation of the F.I.R. is falsified by the post-mortem report. Petitioners claim clean antecedent.

6. Learned counsel for the informant vehemently opposed the bail application and submitted that these petitioners



have assaulted the son of the informant causing his death.

7. Considering the aforesaid facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioners in the event of their arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, East Champaran, Motihari in connection with Madhuban P. S. Case No. 300 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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