

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75499 of 2023

Arising Out of PS. Case No.-348 Year-2023 Thana- RAJAON District- Banka

1. RAJKISHOR YADAV @ KUMAR RAJKISHOR S/O LATE GOPAL YADAV @ LATE GOPAL PRASAD R/O VILLAGE- KISHANPUR, P.S- RAJOUN, DISTT.- BANKA.
2. ANIRUDH YADAV @ ANIRUDDH YADAV S/O LATE BALLI YADAV R/O VILLAGE- KISHANPUR, P.S- RAJOUN, DISTT.- BANKA.
3. SUMIT YADAV S/O LATE GOPAL YADAV @ LATE GOPAL PRASAD R/O VILLAGE- KISHANPUR, P.S- RAJOUN, DISTT.- BANKA.
4. AANTO DEVI @ AATO DEVI W/O LATE GOPAL YADAV @ LATE GOPAL PRASAD R/O VILLAGE- KISHANPUR, P.S- RAJOUN, DISTT.- BANKA.
5. BRAMRI DEVI @ JHUMKEE DEVI @ JUNKI DEVI @ JHUNKI KUMARI W/O SUMIT YADAV R/O VILLAGE- KISHANPUR, P.S- RAJOUN, DISTT.- BANKA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Balram Kapri, Advocate
For the Opposite Party/s : Mrs. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 29-02-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Rajoun P.S. Case No. 348 of 2023 for the offence registered under sections 341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code lodged on 16.07.2023 by the informant Anil Yadav.

3. As per the prosecution story, the informant alleged



that due to land dispute, the accused persons assembled and brutally assaulted them. In the process, it is alleged that both Raj Kishore Yadav @ Kumar Rajkishor and Anirudh Yadav @ Aniruddh Yadav used '*khanti*' to assault the informant and his son respectively. Allegation against Sumit Yadav, petitioner no. 3 is also of assault by '*lathi*' on the head of Sonu Yadav. There is also allegation of assault by the petitioner nos. 4 and 5 namely, Aanto Devi @ Aato Devi and Bramri Devi @ Jhumkee Devi. Accordingly, the FIR.

4. Learned Counsel for the petitioners submit that there is a case and counter case, they are agnates, both sides have suffered injuries and they are ready to cooperate in the investigation.

5. In this case, case diary was called for on 29.11.2023 and the same has been received and learned APP has taken this Court to the Injury Report which shows that the injured had injuries on their head and they were referred to Jawaharlal Nehru Medical College Hospital for NCCT of brain. In that background, so far as the petitioner nos. 1, 2 and 3 namely, Raj Kishore Yadav @ Kumar Rajkishor, Anirudh Yadav @ Aniruddh Yadav and Sumit Yadav respectively are concerned, it would be appropriate that they seek bail and their anticipatory



bail stands rejected.

6. So far as the petitioner nos. 4 and 5 namely, Aanto Devi @ Aato Devi and Bramri Devi @ Jhumkee Devi are concerned, they are ladies, do not have criminal antecedent and will be diligently appearing in trial, this Court is inclined to extend them privilege of anticipatory bail.

7. Let the petitioner nos. 4 and 5 namely, Aanto Devi @ Aato Devi and Bramri Devi @ Jhumkee Devi in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Rajoun P.S. Case No. 348 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner nos. 4 and 5 namely, Aanto Devi @ Aato Devi and Bramri Devi @ Jhumkee Devi, who shall provide official document to show their *bona fide*;

(ii) the petitioner nos. 4 and 5 namely, Aanto Devi @ Aato Devi and Bramri Devi @ Jhumkee Devi shall appear on each and every date before the Trial court and failure to do so



for two consecutive dates without plausible reason will entail
cancellation of his bail bond by their Trial court itself;

(iii) the petitioner nos. 4 and 5 namely, Aanto Devi @
Aato Devi and Bramri Devi @ Jhumkee Devi shall in no way
try to induce or promise or threat the witnesses or tamper with
the evidences, failing which the State shall be at liberty to take
steps for cancellation of their bail bonds;

(iv) the petitioner nos. 4 and 5 namely, Aanto Devi @
Aato Devi and Bramri Devi @ Jhumkee Devi shall desist from
committing any criminal offence again failing which the State
shall be at liberty to take steps for cancellation of their bail
bonds.

(Rajiv Roy, J)

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