

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77231 of 2024

Arising Out of PS. Case No.-58 Year-2024 Thana- BAGENGOLA District- Buxar

1. Chhotan Yadav @ Chhotelal Kumar Singh Son of Lakhu Yadav @ Lakhu Singh Resident of Village- Dev Tola, P.S.- Jagdishpur, Distt.- Bhojpur
2. Kaushlya Kuwar Wife of Late Gharbharan Yadav @ Late Gharbhar Yadav Resident of Village- Bhadwar, P.S.- Bagengola, Distt.- Buxar
3. Rubi Devi Wife of Lallu Yadav Resident of Village- Bhadwar, P.S.- Bagengola, Distt.- Buxar
4. Lallu Yadav @ Lallu Kumar Son of Late Gharbharan Yadav @ Late Gharbhar Yadav Resident of Village- Bhadwar, P.S.- Bagengola, Distt.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak
For the State : Mr.Tapeshwar Sharma
For the informant : Mr. Arun Kumar Gupta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 20-11-2024 1. Heard learned Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Bagengola Police Station Case No. 58 of 2024, dated 27.07.2024, disclosing offences punishable under Sections 329(4)/126(2)/115(2)/109/303(2)/351(2)/3(5) of the Bhartiya Nyaya Sanhita, 2023.
3. The prosecution case, as per the First Information Report, is that on 25.07.2024 in the morning, while the informant



was in her kitchen, the petitioners, along with other co-accused persons, armed with iron rod, entered into the house of the informant, starting assaulting her and when the informant raised alarm, her father came to save her, co-accused Guddu Yadav assaulted him by iron rod on his head and when the mother of the informant came there, the petitioner nos. 2 and 3 and co-accused Lalsa Devi assaulted her and her mother. Co-accused Guddu Yadav also assaulted with iron rod on the hand and right shoulder of the informant.

4. Learned Counsel for the petitioners submits that the petitioners are next door neighbours of the informant and they have been made accused in this case for the reason that co-accused Guddu Yadav and Chandan Yadav were having quarrel with the informant and her family members, but the petitioners, being neighbour, did not intervene in the matter in order to save the informant's side. The allegation against the petitioners is general and omnibus in nature and the specific allegation of assault upon the informant and her father is against co-accused Guddu Yadav and Chandan Yadav.
5. On the other hand, learned Counsel for the informant



vehemently opposes the prayer for anticipatory bail and submits that the informant has sustained grievous injury on her hand and her right elbow joint has been found broken. The doctor has opined the injury as grievous. Altogether four persons have sustained injuries and the opinion of the doctor regarding the injuries is reserved up-till now.

6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the allegation against the petitioners is general and omnibus in nature, they are next door neighbour of the informant, the petitioner no. 2 and 3 are women and the specific allegation of assault upon the informant and her father is against co-accused Guddu Yadav and Chandan Yadav, I am inclined to grant the petitioners privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the



satisfaction of learned 5th Additional Chief Judicial Magistrate, Buxar, in connection with Bagengola Police Station Case No. 58 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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