

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79126 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- SAHARGHAT District- Madhubani

1. Punita Devi @ Puneeta Devi Wife Of Panchu Yadav @ Sunil Yadav
Resident Of Village- Mukhiyapatti, Ps- Saharghat, Distt- Madhubani
2. Ganesh Yadav @ Ganesh Kumar Son Of Panchu Yadav @ Sunil Yadav
Resident Of Village- Mukhiyapatti, Ps- Saharghat, Distt- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Adv.

For the Opposite Party/s : Mr.Upendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 22-01-2024 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Saharghat P.S. Case No. 30 of 2023 dated 06.03.2023 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 326, 307, 302, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, the informant's brother was talking to someone on phone then the petitioners and the co-accused persons are alleged to have come to his door with arms and started abusing. When the



informant's brother protested then the co-accused, Mahavir Yadav ordered to kill then the petitioner Ganesh Yadav and the co-accused Sambhu Yadav caught hold of the informant's brother and the co-accused Mahesh Yadav stabbed on his back. The brother of the informant became senseless and fell down. Thereafter, the co-accused persons Panchu Yadav, Lal Babu Yadav and Kishan Yadav assaulted the informant's brother with lathi causing head injuries. The informant's brother was taken to the hospital and he was declared dead by the doctor.

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. There is a case and counter case between the parties. Learned counsel has further submitted that both parties are *gotiya* and there is a previous land dispute between them. It is further submitted that the petitioners have no concern with the alleged offence. As per the post-mortem report, the deceased died due to haemorrhage and shock caused by hard and blunt substance which is evident from the impugned order as stated in para 14 of the bail petition. It is further submitted that the petitioner no. 2 is a



lady and she was not present at the place of occurrence. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that the specific allegation against the petitioner Ganesh Yadav is of holding the informant's brother and the co-accused Mahesh Yadav stabbed on his back.

6. Considering the aforesaid facts and circumstances of the case, let the petitioner no.1 namely, Punita Devi, in the event of her arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Benipatti, Madhubani in connection with Saharghat P.S. Case No. 30 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed with regard to the petitioner no.1 namely, Punita Devi.



8. So far as, the petitioner no.2 namely, Ganesh Yadav @ Ganesh Kumar is concerned, considering the heinous nature of allegation made against him in the F.I.R., I am of the view that no case for grant of anticipatory bail is made out and the same is disposed of with direction to the petitioner no.2 namely, Ganesh Yadav @ Ganesh Kumar to surrender before the concerned Court below within six weeks from the date of this order and the learned Court below shall consider his prayer for regular bail of the petitioner on the same day without being prejudiced by this order.

9. Accordingly, the application regarding petitioner no.2 namely, Ganesh Yadav @ Ganesh Kumar stands rejected.

(Chandra Prakash Singh, J)

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