

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20530 of 2025

Arising Out of PS. Case No.-1249 Year-2024 Thana- MADHEPURA District- Madhepura

1. Fuliya Devi @ Fulo Devi Wife of Late Upendra Yadav Resident of Village- Pithai (Pitahi), Ward No. 10, P.S. - Madhepura, District - Madhepura
2. Lalita Devi Wife of Shambhu Yadav Resident of Village- Pithai (Pitahi), Ward No. 10, P.S. - Madhepura, District - Madhepura
3. Punita Devi Wife of Chhotelal Yadav Resident of Village- Pithai (Pitahi), Ward No. 10, P.S. - Madhepura, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pawan Kumar, Advocate
For the State	:	Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-04-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel representing the

informant.

2. The petitioners are apprehending her arrest in connection with Madhepura P.S. Case No. 1249 of 2024 for the offence under Sections 115(2), 126(2), 109, 303(2), 351(2) and 3(5) of the BNS and later added section 103(1) of the BNS, lodged on 26.10.2024 by the informant, Dayanand Yadav.

3. As per the prosecution story, the informant Dayanand Yadav lodged the F.I.R. alleging that Ajay Yadav wanted compromise in Madhepura P.S. Case No. 655 of 2021



and upon refusal the allegation is that:

(i) Vijay Yadav gave iron rod blow to his son Jyotish Kumar;

(ii) Karan Kumar was assaulted by Shambhu Yadav and Suraj Kumar;

(iii) as his wife Mala Devi came to rescue, Ajay Kumar gave 'khanti' blow on her head while Santosh Kumar gave 'farsa' blow again on the head;

(iv) when the daughter-in-law Anisha Devi came to rescue, Shambhu Yadav, Suraj Kumar and Niraj Kumar gave lathi blow and also outraged her modesty, they further damaged the motorcycle, auto/tractor and other materials present in the house.

4. A video has been made by the local villagers whereafter they were shifted to Madhepura Hospital and Patna Medical College and Hospital, Patna which followed the F.I.R. The present status is that the wife of the informant (Mala Devi) is no more as such, appropriate sections have also been incorporated.

5. Learned counsel for the petitioner submits that unfortunate death has taken place, allegation is there specifically on Santosh Kumar and Ajay Yadav both are in custody, there is



case and counter case. These three petitioners are ladies, family members of the other side and in the entire F.I.R. no role has been attributed to them.

6. Learned counsel for the informant on the other hand opposes the prayer for bail submitting that they were aggressor, wanted compromise in a criminal case, upon refusal, the fatal assault took place and the informant's wife is no more.

7. Considering the aforesaid facts as also that unfortunate incident has taken place in which the informant's wife lost her life, Ajay Yadav and Santosh Kumar have played the main role and according to learned counsel for the petitioner, they are in custody, further allegation has come against Shambhu Yadav, Suraj Kumar as also Niraj Kumar of assaulting the other family members, no role has been attributed to these petitioners who are all ladies, they do not have criminal antecedent, in that background, this Court is inclined to extend them the privilege of anticipatory bail.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura,



in connection with Madhepura P.S. Case No. 1249 of 2024
subject to the conditions as laid down under Section 438(2) of
the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family
member/relative of the petitioner who shall provide official
document to show his/her bona fide;

(ii) the petitioner 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/her
bail bond by the Trial Court itself;

(iii) the petitioner 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 the bail bonds;

(iv) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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