

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25809 of 2025

Arising Out of PS. Case No.-330 Year-2024 Thana- DARBHANGA SADAR District-
Darbhanga

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1. Kusuma Devi @ Vishvanath Yadav Ki Maa W/o Late Ram Prasad Yadav
R/o Village- Diwari, P.S.-Darbhanga Sadar, District-Darbhang
 2. Suresh Yadav S/O Muneshwar Yadav R/o Village- Diwari, P.S.-Darbhanga
Sadar, District-Darbhang
 3. Vishvanath Yadav S/o Late Ram Prasad Yadav R/o Village- Diwari, P.S.-
Darbhanga Sadar, District-Darbhang

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Kanchan Jha, Advocate
For the State	:	Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-05-2025 Heard Mrs. Kanchan Jha, learned counsel for the
petitioner and learned APP representing the State.

2. The petitioners are apprehending their arrest in connection with Darbhanga Sadar P.S. Case No. 330 of 2024 for the offence under Sections 126(2), 352, 324(2), 351(2), 115(2), 110 and 3(5) of the Bhartiya Nyaya Sanhita, lodged on 12.09.2024 by the informant, Brahmdev Yadav.

3. As per the prosecution story, the informant alleged that while present in the court yard, he found Vishvanath Yadav (petitioner no.3) and other accused persons entered the house and on the order of Vishvanath Yadav, Suresh Yadav gave iron



rod blow on the head. As his wife rushed to the place of occurrence, with the help of neighbours, he was taken to Darbhanga Medical College and Hospital, Darbhanga for treatment which led to the F.I.R.

4. Learned counsel for the petitioners submit that they are agnates, due to a common passage, the dispute took place, scuffle led to the injury, the occurrence has not occurred as alleged in the F.I.R. Last submission is that without accepting the allegation or outcome of the petition the informant side has alleged injuries, the petitioner no.3 (Vishvanath Yadav) intends to pay Rs.10,000/- towards the medical assistance by Demand Draft issued by the local branch of the State Bank of India to the informant.

5. Learned APP opposes the prayer for bail submitting that the injury on the person upon the informant has been found to be grievous by the doctor.

6. Considering the allegation that has come against Suresh Yadav (petitioner no.2), his anticipatory bail application stands rejected.

7. So far as the other two petitioners i.e. Kusuma Devi (petitioner no.1) and Vishvanath Yadav (petitioner no.3) are concerned, Kusuma Devi is a lady, aged 70 years while



though the allegation of order giver is on petitioner no.3 (Vishwanath Yadav), no overt act is attributed to him, in that background, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs.10,000/- towards the treatment by Demand Draft issued by the local branch of State Bank of India to the informant and the receipt has to be submitted before the Trial Court and after checking credentials to be handed over to the informant.

8. Let the Kusuma Devi (petitioner no.1) and Vishvanath Yadav (petitioner no.3) 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, Darbhanga, in connection with Darbhanga Sadar P.S. Case No. 330 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 Kusuma Devi (petitioner no.1) and Vishvanath Yadav (petitioner no.3) who shall provide official document to show his/her bona fide;

(ii) the Kusuma Devi (petitioner no.1) and Vishvanath



Yadav (petitioner no.3) 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 their bail bond by the Trial Court itself;

(iii) the Kusuma Devi (petitioner no.1) and Vishvanath Yadav (petitioner no.3) 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 Kusuma Devi (petitioner no.1) and Vishvanath Yadav (petitioner no.3) 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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