

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44803 of 2025

Arising Out of PS. Case No.-213 Year-2025 Thana- ALOULI District- Khagaria

1. Pinky Devi W/o- Dunilal Yadav Village- Alauli Ward No 4 PS- Alauli District- Khagaria
2. Dunilal Yadav S/o- Jamun Yadav Village- Alauli Ward No 4 PS- Alauli District- Khagaria

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vivekanand Singh
For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 03-11-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Alauli P.S. Case No. 213 of 2025 registered for the offences punishable under Sections 329(4), 126(2), 115(2), 74, 303, 109, 352, 351(2), 351(3), 3(5) of BNS and 27 of the Arms Act.

3. As per prosecution case, petitioners and other entered into the house of the informant and began to abuse the informant. It is further alleged that co-accused Rambali Yadav, who was carrying bhala in his hand and was keeping three nut in



his waist, started assaulting the informant with legs and fists and also snatched gold earrings of informant worth rupees forty thousand. It is further alleged that co-accused Rambali Yadav also took away cash of Rs. 1 lakh from the box of the informant. It is further alleged that petitioners also assaulted the informant by means of legs and fists. It is further alleged that co-accused Rambali Yadav fired from three nut upon the son of informant but anyhow they saved their life.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case due to village politics and previous enmity. Petitioner no. 1 bears criminal antecedent of one case and petitioner no. 2 bears criminal antecedent of two cases and petitioners are on bail in the aforesaid cases. He further submits that petitioner no. 1 is wife of petitioner no. 2 and co-accused Rambali Yadav is son of petitioner no. 1 and 2, in this way, entire family members have been falsely implicated in this case. He further submits that there is four days delay in lodging the FIR as the alleged occurrence took place on 17.05.2025 and FIR was registered on 21.05.2025 without any plausible explanation which questions the authenticity of the prosecution story. He further submits that



there is no specific overt-act of firing against the petitioners rather the allegation of firing is against co-accused Rambali Yadav. He further submits that from the averment made by the informant himself, it is clear that informant and other have not received any injury and they have also not taken treatment in any hospital. In this way, entire prosecution story is doubtful.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioners and submits that name of petitioners finds place in the FIR and they cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, there is no specific overt-act of firing against the petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Alauli P.S. Case No. 213 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.



7. The application stands allowed.

(Alok Kumar Pandey, J)

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