

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75220 of 2024

Arising Out of PS. Case No.-60 Year-2024 Thana- BANDHUWA KURAWA District- Banka

1. Kagbati Devi W/O Sanjay Yadav Resident Of Village- Palar, P.S- Bandhuwa Kurawa, Distt.- Banka.
2. Sanjay Yadav S/O Late Doman Yadav Resident Of Village- Palar, P.S- Bandhuwa Kurawa, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 29-01-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Bandhua Kurawa PS Case No. 60 of 2024 dated 30-06-2024,
instituted under Sections 341, 323, 324, 325, 307, 504 and
506/34 of the Indian Penal Code.

3. The allegation against the petitioner No.2, namely,
Sanjay Yadav is that he assaulted by means of 'Lathi' on the leg
of the wife of the informant and so far allegation against
petitioner no.1, namely, Kagbati Devi is concerned, she
assaulted with the handle of the axe on the head of the son of the
informant.



4. Learned counsel for the petitioners submits that petitioners are innocent and they have been falsely implicated in this case. It is submitted that there is no allegation of repetition of blow against the petitioners. The manner of occurrence would clearly demonstrate that there was neither any premeditation nor any intention to kill the informant's side rather the occurrence took place on a spur of moment. It is next submitted that the injury caused by the petitioners does not come under the purview of Section 307 of the Indian Penal Code. Further submission is that though the wife of the informant has sustained grievous injury due to fracture of tibia and fibula right, but the same is not on the vital part of her body. So far injury report of the son of the informant is concerned, the same reveals that the injury is simple in nature. Lastly, it has been submitted that the petitioners have no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the



learned J M Ist Class, Banka, in Bandhua Kurawa PS Case No.
60 of 2024, subject to the conditions laid down in Section
438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

shyambihari/-

U		T	
---	--	---	--

