

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89279 of 2024

Arising Out of PS. Case No.-61 Year-2024 Thana- BANDHUWA KURAWA District- Banka

1. Ranju Devi W/O Rajesh Yadav Resident Of Village- Rotawaran, P.S- Bounsi, Distt.- Banka.
2. Niko Yadav @ Nikko Yadav S/O Musho Yadav Resident Of Village- Rotawaran, P.S- Bounsi, Distt.- Banka.
3. Bibesh Yadav @ Vibesh Yadav S/O Niko Yadav @ Nikko Yadav Resident Of Village- Rotawaran, P.S- Bounsi, Distt.- Banka.
4. Bipin Yadav S/O Suresh Yadav Resident Of Village- Rotawaran, P.S- Bounsi, Distt.- Banka.
5. Bikram Yadav @ Bikram Kumar S/O Niko Yadav @ Nikko Yadav Resident Of Village- Rotawaran, P.S- Bounsi, 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. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-01-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Bandhuwa Kuraba P.S. Case No. 61 of 2024 registered for the offences punishable under Sections 448, 341, 323, 325, 307, 504 and 506/34 of the Indian Penal Code.

3. On the fateful day, while the informant along with her family members were sitting in their courtyard, in the meantime, four accused persons, including petitioners no.1 and 4 came there and started abusing and assaulting. When protest



was made, petitioners no. 2, 3 and 5 were also called upon and all of them brutally assaulted the informant and her other family members. Specific allegation of assaulting the informant on her head by means of lathi is against co-accused Rajesh Yadav. The allegation of assault on the head of the informant's husband is levelled against co-accused Pramila Devi and the petitioner, Bipin Yadav. General and omnibus allegations have been levelled against other petitioners of assaulting the daughter-in-law and brother-in-law of the informant.

4. Learned counsel for the petitioners drawing the attention of this Court to the impugned order has contended that the injury, as discussed therein only demonstrates that four persons have received injury in the incident, out of them, three persons have sustained head injury. Non disclosure of nature of injury clearly manifest that they are not serious in nature. It is next contended that though the alleged occurrence took place on 27.06.2024 but, surprisingly, the FIR has been instituted on 30.06.2024, without there being any explanation of the said delay. The petitioners are persons of fair antecedent and, in fact, on the alleged date of occurrence, on account of trifle, both the parties were entered into a free fight resulting into injuries to persons of both sides. On account of the intervention of the co-



villagers, the petitioners’ side have not instituted FIR.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that the petitioners have actively participated in the crime and assaulted the informant and others, who have sustained serious injuries.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR as also non-disclosure of the injury in the impugned order, coupled with the fair antecedent of the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Banka, in connection with Bandhuwa Kuraba P.S. Case No. 61 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

rohit/-

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

