

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23931 of 2016

Arising Out of PS.Case No. -16 Year- 2016 Thana -GOVINDPUR District- NAWADA

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1. Siya Ram Yadav, son of Ram Swaroop Yadav
2. Santosh Kumar Yadav, son of Siya Ram Yadav @ Bhukan.
Both are resident of Village- Baniya Bigha, P.S.- Govindpur, District-
Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma

For the Opposite Party/s : Dr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 30-05-2016

Heard.

The petitioners seek bail in a criminal prosecution registered under Section 307/34 and some other allied offences under the Indian Penal Code.

As per prosecution case, the petitioner no.1 Siya Ram Yadav is alleged to have assaulted the informant by Khanti on his head. From the perusal of the injury report of the informant it appears that five injuries have been sustained by him on his person and opinion about nature of injury nos. 1, 4 and 5 has been reserved and the patient was referred to Sadar Hospital, Nawada for treatment.

In above view of the matter, the prayer for bail made on behalf of the petitioner no.1 Siya Ram Yadav in connection with Govindpur P.S. Case No.16 of 2016 pending in the court of learned C.J.M., Nawada is rejected for the present.

However, so far petitioner no.2 Santosh Kumar Yadav is concerned, there appears to be general and omnibus allegation against him of assaulting the informant by lathi.

In view of the nature of allegation against the

petitioner no.2 and taking into consideration the fact that there appears to be case and counter case from both sides vide Annexure-1 and 2, the petitioner no.2 Santosh Kumar Yadav is directed to be released on bail on furnishing bail bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Govindpur P.S.Case No.16 of 2016, subject to the conditions that:

- (A) One of the bailors must be government servant or close family members of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (B) if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;
- (C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every date, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

Arvind/-

(Birendra Prasad Verma, J)

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