

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13584 of 2016

Arising Out of PS.Case No. -303 Year- 2015 Thana -KHIJARSARAI District- GAYA

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1. Ramlakhan Yadav @ Budhlali Yadav son of Late Deo Narayan Yadav
 2. Bibhudeo Yadav son of Kapildeo Yadav
 3. Chandan Yadav @ Birappan Yadav Son of Ram Lakhan Yadav, All
resident of village- Pikhasarai (Saraiya Bazar), P.S.- Khizer Sarai,
District- Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav

For the Opposite Party/s : Mr. Madan Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 02-05-2016 Heard the parties.

The petitioners apprehend their arrest in a criminal prosecution registered under Section 307/149 and some other allied offences under the Indian Penal Code.

Taking into consideration the fact that petitioner no.1- Ramlakhan Yadav @ Budhlali Yadav, is specifically named in the F.I.R. vide Annexure-1 as an accused and is alleged to have assaulted one Yogendra Yadav by 'Garansa'(a sharp cutting weapon) on his head, as a result of which he sustained lacerated wound on parietal region of his skull, which is evident from Annexure-3 and opinion has been reserved about nature of injury, this Court is not inclined to accede to the prayer made on his behalf for grant of anticipatory bail.

Accordingly, the prayer for anticipatory bail made on behalf of the petitioner no.1- Ramlakhan Yadav @ Budhlali Yadav in connection with Khizarsarai P.S. Case No. 303 of 2015 pending in the court of the learned A.C.J.M., IIIrd Gaya, is

rejected.

However, if he surrenders in the court below within a period of four weeks from today and applies for regular bail, then the same shall be considered and decided on its own merit without being prejudiced by the present order.

So far petitioner no. 2- Bibhudeo Yadav and petitioner no. 3- Chandan Yadav @ Birappan Yadav are concerned, though they are also named in the F.I.R, vide Annexure-1, as accused, but taking into consideration the fact that they are alleged to have used only 'lathi' for assaulting the members of the prosecution party and further taking into consideration the fact that there is counter version also from the side of the accused persons, which is evident from Annexure-2, and also taking into consideration the fact that the injuries sustained by the injured persons at the hands of the petitioner no. 2 and 3, have been opined to be simple in nature and they are said to be the first offenders, this Court is inclined to accede to the prayer made on their behalf for grant of anticipatory bail.

In the event of their arrest or surrender in the Court below within a period of four weeks from today, the petitioner no. 2- Bibhudeo Yadav and petitioner no. 3- Chandan Yadav @ Birappan Yadav shall be enlarged on bail on furnishing bail-bonds of Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. IIIrd, Gaya in connection with Khizarsarai P.S. Case No.303 of 2015, subject to the conditions laid down under Section 438(2) Cr.P.C and subject to the further conditions that:

- (A). One of the bailors must be government servant or close family member of the petitioners, who will file

an affidavit in the Court below showing his relationship with the petitioner no. 2 and 3,

(B). if the petitioner no. 2 and 3 are 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 the bail of the petitioners, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving an opportunity of hearing to all concerned and

(C). the petitioner no.2 and 3 shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every dates, and if on two consecutive dates petitioner no. 2 and 3 fail to make pairvi, then the court below shall be at liberty to cancel their bail bonds.

(Birendra Prasad Verma, J)

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