

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20532 of 2016

Arising Out of PS.Case No. -15 Year- 2016 Thana -PAUTHU District- AURANGABAD

- =====
1. Ram Binay Yadav S/o Late Maheshi Yadav
 2. Ram Janam Yadav S/o Late Maheshi Yadav

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kr Singh No. 6, Advocate

For the Opposite Party/s : Mr. Hirday Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-05-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 307, 379, 504/34 of the Indian Penal Code.

Prosecution case is that on 04.03.2016 at 6.00 AM while father of the informant was going towards the main road then he was obstructed by petitioner no.1 Ram Binay Yadav when other accused persons started abusing him. It is further alleged that petitioner no.1 Ram Binay Yadav assaulted on the head of the father of the informant with axe when uncle of the informant came to rescue then petitioner no.2 Ram Janam Yadav assaulted with iron rod on his left hand. When informant came to rescue then co-accused Pappu Yadav assaulted with iron khanti

on his head. It is also alleged that the wives of the petitioners snatched gold chain from the neck of the informant.

It is submitted by learned counsel for the petitioners that the petitioners are agnate of the informant and in the background of passage dispute the accusation has been levelled. Though, it is alleged that petitioner no.1 assaulted the father of the informant with axe but injury on the father of the informant has been found caused by hard and blunt substance. There is no accusation of repeating the blow. There is counter version of the occurrence also wherein petitioners' sides have also received injuries. A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the aforesaid facts, let the above named petitioners be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Aurangabad, in connection with Pauthu P.S. Case No.15/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioners shall be

confirmed by the learned court below on verification of the fact that informant's father and uncle have not received any grievous injury, but if it is found that they received grievous injury, then the petitioners shall surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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