

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24339 of 2016

Arising Out of PS.Case No. -17 Year- 2016 Thana -DARAUNDA District- SIWAN

=====

1. Shiv Mangal Yadav S/o late Ambika @ late Ambika Yadav
2. Prabhunath Yadav S/o Shiv Mangal Yadav, resident of village-
Madhwapur, P.S- Chainpur O.P Dist- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Tiwary

For the Opposite Party/s : Mr. Sanjay Kr.Tiwary 1(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 31-05-2016 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, 307, 379, 504 and 506/34 of the Indian Penal Code.

Prosecution case is that 03.02.2016 at about 4.00 P.M., while the informant was coming from Hasanpura Bazar, all the accused persons including the petitioners assaulted on the head of the informant with iron rod. It is specifically alleged that the petitioner no. 1, Shiv Mangal assaulted on the nose of the informant with danda which resulted in bleeding from the nose. Thereafter, Ramsringar Yadav, Rajendra Yadav and Nafis Haider came to rescue, then they were also assaulted. It is alleged against

petitioner no. 2, Prabhunath Yadav that he snatched Rs. 15,000 from the pocket of the informant. It is alleged that the injury on the nose of the informant has been found grievous.

Learned Counsel for the petitioners submits that the accusation is omnibus and general and in the background of litigated relationship between the parties the accusation has been levelled. For the occurrence of 03.02.2016 the fardbeyan was recorded on 04.02.2016, when the FIR was registered on 10.02.2016 and it reached to the Court of learned ACJM on 10.03.2016, which reflects the FIR has been registered by antedating.

Considering the specific accusation of causing grievous injury to the informant, this Court is not inclined to grant anticipatory bail to the petitioner no. 1 Shiv Mangal Yadav. Let the learned Court below consider his prayer for regular bail, if he surrenders within a period of six weeks in connection with Daraunda (M.H. Nagar) P.S. Case No. 17 of 2016, pending before the CJM, Siwan.

With the above observation, this application, so far as it relates to petitioner no.1 is, accordingly, disposed off.

So far as petitioner no.2 Prabhunath Yadav is concerned, considering the nature of accusation, let him be

released on anticipatory bail, 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) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Siwan in connection with Daraunda (M.H.Nagar) P.S. Case No. 17 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

manish/-

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