

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35784 of 2016

Arising Out of PS.Case No. -32 Year- 2016 Thana -DAWATH District- SASARAM (ROHTAS)

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1. Bablu Yadav @ Bablu Singh S/o Jairam Yadav
2. Dhanji Yadav S/o Banwari Yadav Both residents of Village- Damdiha,
P.S.- Dawath, District- Rohtas (Sasaram).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Choubey, Advocate

For the Opposite Party/s : Mr. Sri Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-09-2016

Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 379, 307 and 504 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that on 07.04.2016 at 6 AM the accused persons surrounded the informant at his door and on instigation of petitioners and co-accused Tarkeshwar Yadav, accused persons started assaulting the informant. It is alleged that petitioner no.2 Dhanji Yadav fired from his pistol but no injury was caused to the informant but the bullet hit Tarkeshwar Yadav and when the mother of the informant came to rescue, petitioner no.1 Bablu Yadav assaulted her by rama whereas co-accused

Jairam Yadav assaulted the informant with rama and when the informant and his mother fell down then petitioner no.1 Bablu Yadav snatched gold chain from the mother of the informant.

It is submitted by the learned counsel for the petitioners that the informant's side received simple injuries whereas the petitioners' side lodged Dawath P.S. Case No. 31 of 2016 against the informant's side levelling accusation under Sections 341, 323, 427 and 307 of the IPC and 25(1-B)a, 26 and 27 of the Arms Act wherein the petitioners' side received grievous injuries. A statement has been made in para 3 of the petition that the petitioners have no criminal antecedent.

Considering fact that the injury report of the informant's side is not record, let the above named petitioner be released on provisional anticipatory bail for two 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 C.J.M., Rohtas at Sasaram in connection with Dawath P.S. Case No. 32 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The learned court below will verify from the record and if it is found that the informant's side have not received

grievous injury then the provisional bail of the petitioner will be confirmed but if it is found that the informant’s side have received grievous injury then the petitioners will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Amrendra/-

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