

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48113 of 2015

Arising Out of PS.Case No. -141 Year- 2015 Thana -BAIKUNTHPUR District- GOPALGANJ

- =====
1. Raghunath Prasad @ Raghunath Pd. Yadav S/o Late Ramaghya Rai
 2. Aurn Kumar Yadav S/o Sri Raghunath Prasad @ Raghunath Pd. Yadav
Both resident of village- Dighwa (Digha Tola), P.S.- Baikunthpur,
District- Gopalganj

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Gupta

For the Opposite Party/s : Mr. Aditya Nr. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 05-02-2016

Heard.

The petitioners apprehend their arrest in a criminal prosecution registered under Sections 307/34 and some other allied offences under the Indian Penal Code.

Though, there is a case and counter-case from both side vide Annexure-1 and 2 respectively, but taking into consideration the fact that the petitioner No.1- Raghunath Prasad @ Raghunath Pd. Yadav is alleged to have assaulted the informant as also his brother Kabindera Pd. Yadav by 'tangi' and 'farsa' on the vital part of their body i.e. head, this Court is not inclined to accede to the prayer made on behalf of the petitioner no.1 Raghunath Prasad @ Raghunath Pd. Yadav for grant of anticipatory bail to him. Accordingly, his prayer for anticipatory bail in connection with Baikunthpur P.S. Case No. 141 of 2015 pending in the Court of the learned 1st Class, Judicial Magistrate, Gopalganj, is rejected.

However, if the petitioner No.1 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 the petitioner no.2- Arun Kumar Yadav is concerned, only allegation against him is that he hurled abuse and assaulted by fist and slaps, but there is no specific allegation of using lethal weapon for causing injury to any injured person, this Court is inclined to accede to the prayer for grant of anticipatory bail to him.

In the event of his arrest or surrender in the Court below within a period of four weeks from today, let the petitioner No.2 Arun Kumar Yadav be enlarged on bail on furnishing bail-bonds of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned 1st Class, Judicial Magistrate, Gopalganj in connection with Baikunthpur P.S. Case No. 141 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 petitioner, who will file an affidavit in the Court below showing his 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 the 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 an opportunity of hearing to all concerned and
- (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 dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioner.

(Birendra Prasad Verma, J)

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