

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34046 of 2016

Arising Out of PS.Case No. -182 Year- 2016 Thana -SIWAN MUFFASIL District- SIWAN

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1. Raj Kumar Parvat Son of Rama Parvat,
2. Jeevan Parvat @ Jeevan Kumar Parvat Son of Raj Kumar Parvat,
3. Abhay Parvat @ Abhay Kumar Parvat Son of Raj Kumar Parvat,
4. Suresh Parvat Son of Chhbila Parvat,
All residents of Village- Siyari Mathian, PS- Siwan Muffasil, District-
Siwan.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance:

For the Petitioners : Mr. Ved Prakash Srivastva, Advocate
For the Opposite Party : Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

- 2 05-09-2016 Heard learned counsel for the petitioners and learned
APP for the State.
2. It is stated that the petitioner no. 4 namely,
Suresh Parvat has already been arrested and as such his
anticipatory bail application has become infructuous.
3. As prayed, the anticipatory bail application as
against petitioner no. 4 is permitted to be withdrawn and is
dismissed as such.
4. Learned counsel for the petitioners submits that
the petitioner no. 1 namely, Raj Kumar Parvat, is stated to be
minor and seeks permission to withdraw the anticipatory bail
petition in respect of the petitioner no. 1, as not pressed.
5. Permission is accorded and the anticipatory bail
petition in respect of petitioner no. 1 is permitted to be
withdrawn, as not pressed.
6. Petitioner nos. 2 and 3 apprehend their arrest for the

offences alleged under Sections 147, 149, 323, 324, 325 and 307 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Siwan Muffasil P.S. Case No. 182 of 2016.

7. It is submitted that the petitioner nos. 2 and 3 have been falsely implicated and in any event no assault whatsoever is attributed to the petitioner no. 3. The petitioner no. 2 is said to have assaulted with the butt of the gun, but there is nothing to indicate that the assault is on any vital part of the body.

8. Learned APP assisted by learned counsel for the informant appearing *suo motu* point out that injury no. 4 sustained by the informant is grievous in nature.

9. Considering that the assault has resulted in as many as 10 injuries sustained by the informant and the injury report discloses that injury no 4 is grievous in nature and also having regard to the criminal antecedents of the petitioner no. 2, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner no. 2. The anticipatory bail petition as against him stands dismissed.

10. Considering that no specific accusation of assault is attributed against the petitioner no. 3, in the event of his arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner no. 3 be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Siwan Muffasil P.S. Case No. 182 of 2016, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner no. 3.

(ii) That the petitioner no. 3 shall cooperate with the

investigation and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iii) That the petitioner no. 3 shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Chandran/BT

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