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**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.42269 of 2016**

Arising Out of PS.Case No. -108 Year- 2016 Thana -KURTHA District- JEHANABAD

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1. Ramun Yadav, S/o Phekan Yadav
2. Mathura Yadav, S/o Phekan Yadav
3. Kundan Yadav, S/o Mathura Yadav
4. Vikas Kumar @ Vikash Yadav, S/o Yamuna Yadav

All Resident of village- Koni, P.S.- Kurtha, District- Arwal.

5. Vikas Yadav, S/o Mahesh Yadav, Resident of village- Sadhai, P.S.- Kurtha, District- Arwal.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Adv.
Mr. Lakshmi Kant Sharma, Adv.

For the Opposite Party/s: Mr. Raj Ballabh Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

2 06-10-2016 Heard the parties.

This application, for grant of anticipatory bail, arises out of Kurtha (Manikpur) P.S. Case No. 108 of 2016, disclosing offences under Sections 147, 341, 323, 324, 307 and 379 of the Indian Penal Code.

From the First Information Report, it appears that because of some dispute between the families of accused persons and the informant, an occurrence had taken place. There are two First Information Reports registered, being Kurtha (Manikpur) P.S. Case No. 107 of 2016 and Kurtha (Manikpur) P.S. Case No. 108 of 2016, with respect to same occurrence alleged to have taken place on 07.07.2016. Allegation against the accused persons is of causing assault by various sharp cutting weapons and taking away ornaments from the house of the informant.

Learned senior counsel, appearing on behalf of the petitioners, has submitted that the injuries are there on both sides, which cannot be said to be grievous in nature. In any event, he submits that considering the background in which the First Information Reports have been registered, there is no chance that the petitioners shall tamper with the evidence or can influence the witnesses. He has also submitted that the petitioners have no criminal antecedent.

Learned Additional Public Prosecutor, appearing on behalf of the State, has vehemently opposed the prayer for bail and has contended that some of the injuries have been found to be grievous, which is evident from the order passed by the learned Sessions Judge, rejecting application of these petitioners for grant of anticipatory bail.

Be that as it may be, considering the genesis of the occurrence, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Arwal**, in connection with **Kurtha (Manikpur) P.S. Case No. 108 of 2016**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

**(Chakradhari Sharan Singh, J)**

Praveen-II/-c

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