

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 38343 of 2016

Arising Out of PS.Case No. -78 Year- 2016 Thana -CHAND District- BHABHUA (KAIMUR)

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1. Mohan Yadav
2. Ram Lal Yadav
3. Shyamlal Yadav all three sons of Shankar Yadav
4. Pankaj Yadav son of Mohan Yadav
5. Jugan Yadav @ Ajay Yadav son of Ram Lal Yadav,
All resident of Village Duguthua, P.S. Chand, District Kaimur at Bhabua.
..... Petitioners

Versus

The State of Bihar
..... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan
For the Opposite Party/s : Mr. Surendra Kumar, A.P.P.
Mr. Pawan Kr. Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 19-09-2016 Heard Sri Tribhuwan Narayan, learned counsel for petitioners, Sri Surendra Kumar, learned Addl. Public Prosecutor as well as Sri Pawan Kumar Singh, learned counsel, who has voluntarily appeared on behalf of informant.

Five petitioners, apprehending their arrest in Chand P.S. Case No. 78 of 2016 (G.R. No. 1777 of 2016) registered for offence under Sections 141, 323, 354, 307, 504/34 of the Indian Penal Code, have prayed for grant of bail in the event of their arrest or surrender.

It was submitted by learned counsel for petitioners that there was case and counter case in between the parties. From petitioners' side, earlier an F.I.R., vide Chand P.S. Case No. 77 of



2015, was lodged for offences under Sections 341, 323, 324, 307, 504, 34 of the Indian Penal Code. Subsequently, in the case, Section 302 of the Indian Penal Code was added, since one of the person, who was arrayed as accused in the present case namely Sohan Yadav, died subsequently due to injury sustained in the present occurrence. He further submits that in the present F.I.R., which was lodged subsequently, ofcourse Section 307 of the Indian Penal Code has been incorporated, but fact remains that there was no such injury attracting Section 307 of the Indian Penal Code.

Learned Addl. Public Prosecutor as well as Sri Pawan Kumar Singh, learned counsel for the informant have vehemently opposed the prayer for grant of anticipatory bail. Sri Singh, learned counsel for the informant submits that during examination, grievous injuries were found on the head of the informant side.

Besides hearing, I have perused the material on record. Keeping in view the fact that there was case and counter case in between the parties and petitioners' side had received serious injury, in which, one of the person from the petitioners' side died due to the injury caused in the occurrence as well as nature of accusation in the present case, the Court is of the opinion that it is a fit case for extending the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let aforesaid five petitioners namely 1. Mohan Yadav, 2. Ram Lal Yadav, 3. Shyamlal Yadav, 4. Pankaj Yadav and 5. Jugan Yadav @ Ajay Yadav be enlarged on bail on furnishing bail-bonds of **Rs. 10,000/-** (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Chand P.S. Case No. 78 of 2016 (G.R. No. 1777 of 2016), subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J.)

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