

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44959 of 2016

Arising Out of PS.Case No. -84 Year- 2016 Thana -ARIYARI (Kasar) District- SEKHPURA

1. Anik Yadav S/o Late Guju Yadav

2. Masudan Yadav S/o Dwarik Yadav

Both residents of Village- Chak Abgil, P.S.- Ariyari (Kasar), District- Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S. R. Haque, Advocate

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

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 18-10-2016

Heard learned counsel for the parties.

The petitioners seek pre-arrest bail in connection with Ariyari (Kasar) P.S. Case No. 84 of 2016 dated 30.06.2016 instituted under Sections 341/323/307/448/354(C)/504/34 of the Indian Penal Code.

The allegation against the petitioners, along with others, is of entering into the house of the informant and assaulting the family members and against the petitioner no. 2 it is specific of having torn the dress of the daughter of the informant.



Learned counsel for the petitioners submits that there is case and counter case and, as would be apparent from the recital of the *fardbeyan*, the dispute arose with regard to water flowing on the roof of the petitioners. It is submitted that both are neighbours and the allegation of tearing away of the dress of the daughter of the informant against petitioner no. 2 and against another co-accused, who is not the petitioner herein, of hitting on the stomach of the pregnant daughter-in-law of the informant, is cosmetic, only to make the case grave and harass the petitioners. It is submitted that even the injury report does not disclose any injury from any weapon and only there is abrasion and that too not on the vital part of the body attributable to hard blunt substance. Learned counsel submits that the petitioners have no criminal antecedent. It is submitted that all sections are bailable except Section 307 of the Indian Penal Code which, too, is not attracted in the facts and circumstances of the present case.

Learned A.P.P. opposes the prayer for anticipatory bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount

each to the satisfaction of the learned S.D.J.M., Sheikhpura in Ariyari
(Kasar) P.S. Case No. 84 of 2016, subject to the conditions laid down
in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J)

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