

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.47993 of 2015**

Arising Out of PS.Case No. -138 Year- 2015 Thana -BARARI District- KATIHAR

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1. Ghughli Yadav  
2. Shiv Narayan yadav @ Shiv Nafayan Yadav, Both are Son of Late Parmeshwar Yadav, resident of village - Bhawanipur, P.S. - Barari, District - Katihar.

.... .... Petitioner/s

Versus

The State of Bihar

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

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**Appearance :**

For the Petitioner/s : Mr. Bhola Prasad

For the Opposite Party/s : Mr. Ram Shankar Das, APP

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

3      29-01-2016      Heard.

The petitioners apprehend their arrest in a criminal prosecution registered under Sections 341,324,307, 506/34 of the Indian Penal Code as also under Sections 3(1) (V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The learned counsel appearing on behalf of the petitioners submits that the petitioner no. 1 is the husband of the informant -Sulekha Devi and the petitioner no. 2 is the younger brother of petitioner no. 1. He further submits that there was inter-caste marriage between the petitioner no. 1 and the informant, but on account of certain matrimonial disputes, the present case has been lodged with all baseless and false allegations against the petitioners.

By an order dated 15.10.2015, carbon copy of the case-diary was summoned by a Bench of this Court. The learned Additional P.P appearing on behalf of the State, by looking into

the case-diary, has fairly conceded that the injury sustained by the informant was found to be simple in nature.

Be that as it may, taking into consideration the fact that the present prosecution case is a outcome of the dispute between wife and husband and the informant has sustained only simple injury on her person, and further taking into consideration the fact that a matrimonial suit is pending between the parties, the prayer for anticipatory bail made on behalf of the petitioners is allowed.

In the event of their arrest or surrender in the Court below within a period of four weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bonds of Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1<sup>st</sup> Class, Katihar, in connection with Barari (Semapur) P.S. Case No. 138 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)**

BTiwary/Brajesh-III.

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