

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42116 of 2017

Arising Out of PS.Case No. -137 Year- 2017 Thana -KATEYA District- GOPALGANJ

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1. Ram Niwas Gond, son of Late Amarjeet Gond
2. Ajay Gond son of Late Indra Dev Gond Both are Resident of Village-
Jaiswali, Police Station- Kateya, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mishra

For the Opposite Party/s : Mr. Sri Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 06-10-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Kateya P.S. Case No. 137 of 2017 instituted for the offence under Section-307 & other minor Sections of the Indian Penal Code.

It has been submitted on behalf of petitioners that petitioner No. 1 is order giver and the allegation against petitioner No. 2 is that he assaulted the son of the informant with Farsa on his head but the doctor in the injury report, has found two injuries to be simple in nature and one injury on the hand was found to be grievous, caused by hard and blunt substance.

As per written report, son of the informant came to rescue him, then Manu Gond assaulted the son of the informant with iron rod on his right hand causing fracture. Thereafter, on the order of petitioner No. 1, petitioner No. 2 assaulted the son of the informant with Farsa on his head.

As per injury report, injury Nos. 1 & 2 on the person of the son of the informant, were found to be simple in nature. The petitioner No. 1 is



said to be merely an order giver. It has further been submitted that there is counter case being Kateya P.S. Case No. 132 of 2017 which has been filed by petitioner No. 2 against the informant and his family members.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Kateya P.S. Case No. 137 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate-XV, Gopalganj subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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