

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36569 of 2017

Arising Out of PS.Case No. -120 Year- 2016 Thana -CHANAN District- LAKHISARAI

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1. Jagarnath Yadav, Son of Late Chetu Yadav,
2. Manish Yadav @ Manish Kumar Singh,
3. Ravish Yadav @ Rivash Yadav Sl. Nos.2 and 3 are Sons of Jagarnath
Yadav, All are R/o Village- Barare, P.S.- Chanan, District- Lakhisarai.

.... Petitioners/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioners/s : Mr. Ambika Bhagat

For the Opposite Party/s : Mr. Sri Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 11-08-2017 The petitioners are apprehending their arrest in connection with Chanan P.S. Case No. 120 of 2016, registered for offences punishable under Sections 147, 341, 342, 323, 307 & 379 of Indian Penal Code.

Allegation against the petitioners is of assault to the informant.

It has been submitted on behalf of the petitioners that only general and omnibus allegation of assault has been levelled in this case and that too only against petitioner no. 1 and so far other petitioners are concerned, no specific allegation has been made against them. Further the assault was not made on the vital part of the body.



Learned counsel for the State opposed the prayer for bail and submitted that the injury caused to the informant was found to be simple in nature, however, he could not controvert that only general and omnibus allegation has been levelled against petitioner nos. 2 and 3.

Having heard both sides, so far petitioner nos. 2 and 3 are concerned, considering the facts and circumstances of the case, nature of offence, let petitioner nos. 2 and 3, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM -1st, Lakhisarai, in connection with Chanan P.S. Case No. 120 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., this is further subject to the condition that:-

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioners shall cooperate in the investigation and make themselves available



as and when required by the police and on the event of failure on their part two appear before the police on two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of their bail bonds.

So far petitioner no. 1 is concerned, considering the fact that there is allegation against him that he assaulted the informant causing grievous injury to him, as such, I am not inclined to grant the petitioner no. 1, the privilege of anticipatory bail, let petitioner no. 1, surrender before the Court below and make prayer for regular bail and if any such application is filed the court below after considering the materials available on record, shall pass an appropriate order, without being prejudiced by the order of this Court.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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