

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37925 of 2017

Arising Out of PS.Case No. -168 Year- 2017 Thana -BIHIYA District- BHOJPUR

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1. Ramji Yadav, S/o Sighasan Yadav,
2. Manoj Yadav, S/o Ram Tapashya Yadav, Both residents of village-
Lahang Dumaria, P.S.- Bihia, District- Bhojpur.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr.Advocate with
Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 21-08-2017

Heard learned counsel for the petitioners.

The petitioners are apprehending their arrest in connection with Bihia P.S. Case No. 168 of 2017 registered for the offences punishable under Sections 143, 341, 323, 307, 379, 504 and 506 of the Indian Penal Code.

Allegation against the petitioners is that they have assaulted causing injuries on the persons of the injured.

It has been submitted on behalf of the petitioners that there is case and counter case between the parties and allegation against petitioner No.1 is that he assaulted Rameshwar Yadav with iron road and petitioner No.2 assaulted Panchratan Yadav with lathi and injury of Panchratan Yadav is found to be simple and



opinion about injury to Rameshwar Yadav was kept reserved.

Heard learned APP also.

Having heard both sides and in view of facts and circumstances of the case, let the petitioner No.2, named above, surrender in the court below within a period of four weeks from the date of receipt/production of a copy of this order and on his so surrendering he shall be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-V, Bhojpur, Ara, in connection with Bihia P.S. Case No. 168 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further conditions that :-

- (i) One of the bailors should be a local person having sufficient immoveable properties within the jurisdiction of court concerned,
- (ii) Petitioner shall co-operate in the investigation and make himself available before the police as and when required and in the event of failure on his part to appear before the police on two consecutive dates, the prosecution shall be free to move for



cancellation of his bail bonds,

- (iii) Petitioner will not induce any witness or tamper with the evidence.

So far prayer for anticipatory bail of petitioner No.1 is concerned, in the facts and circumstances, I am not inclined to grant anticipatory bail to him. Let him surrender and pray for regular bail, which shall be considered on the basis of nature of injury caused by him on the injured and if the injuries are found to be simple in nature, the court below will release him on bail, otherwise he may pass appropriate order(s) as he may deem fit and proper.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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