

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10770 of 2017

Arising Out of PS.Case No. -408 Year- 2016 Thana -NARPATGANJ District- ARRARIA

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1. Ramchandra Yadav, S/o Satyanarayan Yadav
2. Manish Kumar, S/o Ramchandra Yadav
3. Parmanand Yadav, S/o Niro Yadav
4. Upendra Yadav, S/o Rasiklal Yadav
5. Pankaj Yadav, S/o Upendra Yadav
6. Kumod Yadav, S/o Hemnarayan Yadav

All Village - Mirdaul, P.S. - Narpatganj, District - Araria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Abhay Kumar – 1, A.p.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 10-04-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Narpatganj P.S. Case No. 408 of 2016 instituted for the offence under Sections 341, 323, 324, 307, 354-B, 379, 504, 506 and 34 of the Indian Penal Code.

There is allegation in the written report against accused Ashok Yadav of causing injury on the head of the informant with Farsa whereas petitioner No. 1 is alleged to have assaulted the informant in his right elbow with Farsa. There is allegation against Giri Yadav of causing injury to the informant



with Arrow.

The injury report is available in the case diary wherein doctor has found three injuries on the person of the informant. The doctor has found injuries No. 1 and 2 to be simple in nature caused by hard and blunt object, whereas injury No. 3 is grievous caused by sharp pointed weapon (Arrow or Blade). As such, from the injury report there is direct allegation against petitioner No. 1 of assaulting the informant with farsa on his right elbow.

Therefore, this Court is not inclined to grant anticipatory bail to petitioner No. 1.

Accordingly, prayer for anticipatory bail of the petitioner No. 1 namely, Ramchandra Yadav stands rejected.

Petitioner No. 1 may surrender before the court below and make prayer for regular bail.

So far petitioner Nos. 2 to 6 namely, Manish Kumar, Parmanand Yadav, Upendra Yadav, Pankaj Yadav and Kumod Yadav are concerned, there is general and omnibus allegation against them. Therefore, the prayer for anticipatory bail of the petitioner Nos. 2 to 6 is allowed. In the event of surrender/arrest of the petitioner Nos. 2 to 6, named above, within six weeks from today, in connection with Narpatganj P.S. Case No. 408 of 2016,



they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, subject to the conditions as laid down under Section 438 (2) 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.

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(Sanjay Priya, J)

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