

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29762 of 2017

Arising Out of PS.Case No. -217 Year- 2016 Thana -FATEHPUR District- GAYA

=====

1. Jitan Yadav, son of Bachu Yadav,
2. Ruplal Yadav, son of Bandhu Yadav,
3. Manu Yadav @ Manu @ Prabhat Kumar, son of Rupal Yadav, All
resident of Village- Kewal, P.S.- Fatehpur, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 07-07-2017 Heard learned counsel for the petitioners and learned
Addl. Public Prosecutor for the State.

The petitioners apprehend their arrest in Fatehpur P.S.
Case No. 217 of 2016 instituted for the offence under Section-307
307 & other minor sections of the Indian Penal Code.

As per written report, the petitioner No. 2 caught hold the
hand and leg of the informant and thereafter, co-accused Nitish
Kumar assaulted the informant on head with Chapra causing
bleeding injury. Thereafter Manu Yadav (petitioner No. 3)
assaulted the informant on his hand with Chapra causing serious
injury on the hand of the informant. Arbind Kumar, the son of the
informant took the informant with help of family members to the



police station.

The learned Sessions Judge has mentioned in the impugned order that the informant has sustained three injuries and injury No. 1 is lacerated wound over front parietal bone scalp with deep cut bone size 4"x1/4"x scalp deep and injury No. 2 is lacerated wound over left arm size 2" x 2" and injury No. 3 is swelling and tenderness and deformity over left shoulder.

In such circumstances, this court is not inclined to grant anticipatory bail to petitioner No. 3. Accordingly, prayer for anticipatory bail of petitioner No. 3 is rejected.

The petitioner No. 3 is directed to surrender in the court below and, seek regular bail, which shall be on its own merit without being prejudiced by this order.

So far as petitioner Nos. 1 & 2 are concerned, there is no allegation of specific overt act against them. Accordingly, their prayer for anticipatory bail is allowed and it is ordered that petitioner Nos. 1 & 2 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 Fatehpur P.S. Case No. 217 of 2016 to the satisfaction of Sri Ramesh Kumar,



learned Judicial Magistrate-Ist Class, Gaya subject to conditions 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)

A.K.V./-

U		T	
---	--	---	--

