

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43830 of 2017

Arising Out of PS.Case No. -46 Year- 2017 Thana -HALSI District- LAKHISARAI

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1. Bhola Yadav, Son of Rameshwar Yadav,
2. Guddu Yadav @ Guddu Kumar Son of Bhola Yadav, Both are R/o
Village- Tetarahat, P.S.- Halsi, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ambika Bhagat

For the Opposite Party/s : Mr. Sri Nityanand

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

4 08-11-2017 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Halsi Police Station Case No. 46 of 2017, disclosing offences under Sections 341, 323, 504, 307, 325, 379 and 147 of the Indian Penal Code and Section 3/4 of the Prevention of Witch Practices Act, 1999.

Learned counsel for the petitioners has submitted that the petitioners, who are of clean antecedent, are innocent and have not committed any offence. In fact, the injury sustained by the informant and her husband found to be simple in nature. Hence, the petitioners deserve the privilege of anticipatory bail.

Learned A.P.P. has opposed the prayer for bail and



submitted that there is direct allegation of assault on the head of the husband of the informant against the petitioner No.1 causing injury to the informant's husband.

Considering the facts and circumstances of the case, let the petitioner No.2, above named, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Lakhisarai, in connection with Halsi Police Station Case No. 46 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

So far petitioner no.1 is concerned, considering the direct allegation against him, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner no.1. Accordingly, prayer for anticipatory bail of this petitioner is rejected.

(Arvind Srivastava, J)

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