

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.33543 of 2018**

Arising Out of PS.Case No. -129 Year- 2017 Thana -RAJNAGAR District- MADHUBANI

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1. Sita Ram Yadav, S/o Late Batahu Yadav,
2. Ram Kumar Yadav,
3. Sushil Yadav

Both Sons of Sita Ram Yadav,

4. Ram Brikasha Yadav, S/o Late Jiwachh Yadav,
5. Ram Ratan Yadav,
6. Ramashish Yadav

Both Sons of Late Shiv Lal Yadav,

7. Ghanshyam Yadav, S/o Late Siya Lal Yadav (But in the F.I.R. wrongaly mentioned the father's name as Late Shiv Lal Yadav),

All Residents of Vill.- Ranti Barai Tol, P.S.- Raj Nagar, District-Madhubani.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bimal Kumar, Advocate.  
For the Opposite Party/s : Mr. Gagandeo Yadav, Advocate.  
For the State : Mr. Narendra Kumar Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

2      20-06-2018                      Heard learned counsel for the petitioner, learned  
counsel for the informant and the State.

The petitioners apprehend their arrest in connection  
with Raj Nagar P.S. Case No. 129 of 2017 instituted for the  
offence under Sections 147, 148, 149, 341, 323, 324, 307, 354(A),  
379 and 325 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that  
Police after investigation did not sent up for trial petitioner No. 1



showing him innocent. The police has submitted charge sheet against petitioner Nos. 2 to 7 in bailable Section. Copy of the charge sheet has been annexed as Annexure-5. It has further been submitted that learned Magistrate has taken cognizance after submission of charge sheet against all the petitioners for the offence under Section 307 Indian Penal Code besides other allied Sections.

The learned Sessions Judge has mentioned in the impugned order that petitioner No. 2 to 7 were allowed bail by the Police as the charge sheet was submitted under bailable section.

The allegation against petitioner No. 1 is of assaulting the father of the informant with *Farsa* on his head. The injury report of father of the informant namely Choudhary Yadav has been enclosed as Annexure-4 from which it appears that he has sustained simple injury. There is case and counter case between the parties in which both sides have sustained injuries. Petitioner No. 2 has lodged counter case against the informant and others vide Raj Nagar P.S. Case No. 128 of 2017.

In such circumstances, prayer for anticipatory bail of the petitioner No. 1 namely, Sita Ram Yadav is allowed. In the event of surrender/arrest of the petitioner No. 1, named above, within six weeks from date of receipt of this order, in connection



with **Raj Nagar P.S. Case No. 129 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **Sri Vikash Jha, learned Judicial Magistrate, 1<sup>st</sup> Class, Madhubani**, 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) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers 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 petitioner.

So far petitioner Nos. 2 to 7 are concerned, they are already on police bail. Therefore, petitioner Nos. 2 to 7 are directed to surrender before the court below within a period of six weeks from the date of receipt of this order in the court below and the court below will dispose of the bail application of the petitioner Nos. 2 to 7 on same day in terms of observation made by this Hon'ble Court in the case of *Mahendra Prasad Singh Vrs. State of Bihar*, reported in 2004 (3) *PLJR*, page 491 wherein the



Hon’ble Court has held “that a person who is already on bail shall not be denied such privilege unless there is any allegations of misuse etc.”

This application is accordingly disposed off.

**(Sanjay Priya, J)**

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