

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49421 of 2018

Arising Out of PS.Case No. -143 Year- 2018 Thana -PHULWARIA District- GOPALGANJ

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1. Ramdyal Rajbhar son of Madai Yadav resident of Village- Tintolwa,
Police Station- Fulwariya, District Gopalganj,
2. Praduman Yadav son of Mohan Yadav, resident of Village- Sukhnariya,
Police Station- Fulwariya, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mishra, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 28-08-2018 Heard the parties.

The petitioners seek anticipatory bail in connection with
Fulwariya P. S. Case No. 143 of 2018, registered for offences
punishable under Sections 342, 323, 329, 307, 504, 505, 379 and
34 of the Indian Penal Code.

Allegation against the petitioner No. 1 is of assault to
the informant with farsa blow , causing injury on the nose of the
informant and both the petitioners snatched cash Rs 55,300/- and
the petitioners are named in the F.I.R.

Submission of the learned counsel for the petitioners that
there is a case and counter case in between the parties and injury
report has not produced before the lower court and the allegation



of theft is super addition. So far there is no specific allegation against petitioner No. 2 and the petitioners have no criminal antecedents.

Learned A.P.P. opposes the prayer for bail.

Having heard both sides and in view of the facts and circumstances as discussed above, let the petitioner No. 2, in the event of arrest or surrender before the court below within a period of six weeks from the date of order, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate- XIII, Gopalganj in connection with Fulwariya P.S.Case No. 143 of 2018, subject to the condition that as laid down under Section 438 (2) of the Code of Criminal procedure with conditions that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.

So far as the case of the petitioner No. 1 is concerned, I am not inclined to grant bail to the petitioner, Accordingly, prayer of anticipatory bail is rejected with a direction to the petitioner that if the petitioner surrender before the court below within a period of four weeks from the date of order and make prayer for regular bail, which will be considered by the



learned court below on its own merit without being prejudiced by this order of this Court.

This application is accordingly disposed of.

(Vinod Kumar Sinha, J)

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