

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36398 of 2018

Arising Out of PS. Case No.-63 Year-2018 Thana- PAKARIBARAW District- Nawada

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1. Jaipal Yadav, Son of Mahendra Prasad Yadav @ Mahendra Yadav.
 2. Jitendra Yadav @ Jato Yadav @ Jitendra Kumar, Son of Mahendra Prasad Yadav @ Mahendra Yadav.

Both R/o Village- Tapasipur, P.S.- Pakribarawan, Dist.- Nawada.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Birendra Kumar
For the Opposite Party/s : Mr. Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 29-06-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

In this case, the petitioners are seeking anticipatory
bail in connection with Pakribarawan (Dhamaul) P.S. Case
No.63 of 2018, registered for the offence punishable under
Sections 341, 147, 149, 323, 307, 506, 504, 337 and 338 of the
Indian Penal Code.

There was a joint family boring and dispute arose
on account of turn to run the boring. It has been alleged that
when the informant was sitting near the house, his nephew
Jaipal Yadav, Jitender Yadav and Sudhir Yadav came there and
told him not to run the boring, upon which he told that boring is



belong to all of them and thereafter all the accused persons started abusing and assaulting him. It has further been alleged that Jitendra Yadav, petitioner no.2, has assaulted on the head of the informant's son with *lathi* and Jaipal Yadav, petitioner no.1, has assaulted on the left hand of the informant with *danda*.

Considering the facts and circumstances of the case, let this petitioner no.1, namely, Jaipal Yadav, be released on anticipatory bail in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Nawada, in connection with Pakribarawan (Dhamaul) P.S. Case No.63 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure. Further condition is that whenever the police will call the petitioner no.1 for the purposes of investigation and interrogation, she will remain present for the investigation. In the event of being absent on two consecutive dates without reasonable explanation, the present order will be treated to have been cancelled.

So far the bail of petitioner no. 2 is concerned, the same is rejected. However, if the petitioner no. 2 surrenders



before the Court below within four weeks from today and prays
for regular bail, the Court below will consider the same and pass
appropriate order on the same day without being influenced by
the order of this Court.

(Shivaji Pandey, J)

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