

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40115 of 2018

Arising Out of PS. Case No.-153 Year-2017 Thana- BIKRAM District- Patna

1. Mukesh Yadav son of Chandhari Yadav @ Chandeshwar Yadav R/o village Bikram and P.S.Bikram, District Patna.
2. Babunath @ Babunath Kumar son of Bijendra Yadav R/o village Naghar, P.S. Bikram, Dist. Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Apurva Kumar
For the Opposite Party/s : Mr. Smt. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 27-07-2018 Heard learned counsel for the petitioners and learned APP for the State .

Petitioners apprehend their arrest in Bikram P.S. Case No. 153 of 2017 instituted for the offence under Sections 341,323, 325/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioners has submitted that there is counter case filed by father of petitioner no.2 vide Bikram P.S. case no. 148/17.

In the instant case, it is alleged against petitioner no.1, namely,



Mukesh Yadav to have assaulted the informant with iron rod. There is no any specific allegation of assault against petitioner no.2, namely Babunath @ Babunath Kumar

The case diary has been received.

Learned APP submitted that in the case diary injury report of the informant is available which shows that she has sustained multiple wound on her left hand near elbow joint caused by fire arm. Opinion with respect to injury has been kept reserved .

In the written report, there is no any allegation against this petitioner of causing fire arm injury to the informant. Petitioner no.1 is alleged to have assaulted the informant with iron rod.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Bikram P. S. case no. 153 of 2017, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-V Danapur, 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) 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)

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