IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47916 of 2018

Arising Out of PS. Case No.-124 Year-2018 Thana- OBRA District- Aurangabad

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1. Mahendra Yadav, Son of Late Ram Parikha Yadav,
2. Udai Singh, S/o Mahendra Singh.
3. Harendra Singh, S/o Surendra Singh.
4. Dharmendra Kumar, S/o Surendra Singh.
5. Ravindra Singh, S/o Late Ram Parikha Singh, All resident of Village- Shital Bigha, P.S.- Obra, Distt.- Aurangabad (Bihar).

... ... Petitioner/s

Versus

The State of Bihar.

... ... Opposite Party/s

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Appearance :
For the Petitioners : Mr. Ranjit Kumar, Advocate
For the State : Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 04-10-2018 Application for anticipatory bail of the petitioner No.2 has already been dismissed as withdrawn by order dated 31.08.2018.

Heard learned counsel for the petitioners No.1, 3 to5 and learned APP for the State and learned counsel for the informant.

The petitioners No.1 and 3 to 5 are apprehending their arrest in a case registered under Sections 341, 323, 325, 379, 307, 504/34 of the Indian Penal Code.

The prosecution case, in short, is that the accused persons including the petitioners abused and assaulted the informant and his wife with lathi and rod. Accused Ravindra Singh assaulted the father of the informant on his shoulder. Accused Birendra

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Singh took out Rs.2000/- from the pocket of the informant and Dharmendra Kumar snatched gold earring from his wife.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. There is no allegation of assault alleged against the petitioner No.1. The petitioner No.3 is alleged to have assaulted Dhanbanti Devi. The nature of injury is said to be simple. Hence no offence under Section 307 of the I.P.C. is made out against him. So far petitioner No.4 is concerned, there is no allegation of assault. It is alleged that he had demanded earring of Dhanbanti Devi. The said allegation is superficial in nature. The petitioner No.5 is alleged to have assaulted on the shoulder of the father of the informant. The nature of injury has been kept reserve by the doctor.

On behalf of the State and learned counsel for the informant, it is submitted that the petitioners are named in the F.I.R. and the nature of injury has been kept reserve in respect of assault made by the petitioner No.5.

Considering the aforesaid facts and circumstances, let the petitioners No.1, 3 and 4, above named, in the event of arrest/surrender before the learned court below within a period

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of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Obra P.S. case No.124 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far petitioner No.5 is concerned, I am not inclined to grant anticipatory bail to him. The prayer for anticipatory bail is rejected.

If the petitioner No.5 surrenders before the court below and prays for regular bail, same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

Narendra/-

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