

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40755 of 2018

Arising Out of PS.Case No. -94 Year- 2018 Thana -CHAND District- BHABHUA (KAIMUR)

- =====
1. Bipul Prajapati, S/o Birendra Prajapati,
 2. Bharosh Prajapati @ Bharosha Prajapati, S/o Birendra Prajapati, both
R/o Village- Sendura, P.S.- Chand, District- Kaimur at Bhabua.
- Petitioner/s

Versus

1. The State of Bihar
- Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP
For the Informant : Mr. Ram Nath Singh Yadav, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 29-08-2018

Heard learned counsel for the petitioners and learned

APP for the State as well as learned counsel for the Informant.

Petitioners apprehend their arrest in **Chand P.S.**

Case No.94 of 2018 instituted for the offence under Section(s)
147, 148, 149, 341, 323, 321, 325, 307, 504 & 506 Indian Penal
Code.

In the written report, it is alleged that on the date of
occurrence Dev Nath Kumar assaulted informant with *Khanti* on
the head causing cut injury. Thereafter, petitioner No.1 assaulted
the father of the informant with Tangi, which hit by the side of
head of the informant. It is further alleged that petitioner No.2
assaulted the father of the informant with *Lohband*, which hit on



his hand due to which he sustained fracture injury.

Injury report of father of the informant is available in the case diary, wherein, doctor has found injury no. iii swelling and tenderness at left elbow joint, which was fracture and grievous in nature. Other injuries were simple in nature.

It is mentioned in para 3 of the bail petition that petitioners have criminal antecedents.

In such circumstances, prayer of the petitioner No.2, Bharosh Prajapati @ Bharosha Prajapati, for grant of anticipatory bail is rejected.

So far prayer of bail of petitioner No.1, Bipul Prajapati, is concerned, in the facts and circumstances of the case, his prayer for grant of anticipatory bail is allowed. In the event of surrender/arrest of the **petitioner No.1, named above**, within six weeks from today in connection with **Chand P.S. Case No.94 of 2018**, they 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 the **Chief Judicial Magistrate, Kaimur at Bhabua**, 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.

JA/-
Rohit Kr.

(Sanjay Priya, J)

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