

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37889 of 2018

Arising Out of PS.Case No. -88 Year- 2018 Thana -CHOUTARWA District-
WESTCHAMPARAN(BETTIAH)

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1. Amar Yadav,
2. Jamadar Yadav,
3. Hawaldar Yadav,
4. Gulteni Yadav All are Sons of Bhikar Yadav,
5. Damari Yadav S/o Jhansi Yadav, All are R/o Vill.- Barwa Jamadar Tola,
P.S.- Chautarwa, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Sri Indra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 07-08-2018 Heard learned counsel for the petitioners, the
informant as well as the State.

The petitioners apprehend their arrest in Chautarwa
P.S. Case No. 88/2018, instituted for the offences punishable
under Sections 341, 323, 324, 307, 448 and 379/34 of the Indian
Penal Code.

Learned counsel for the petitioners submitted that
Petitioner Nos. 1 and 2 are also accused in Chautarwa P.S. Case
No. 148/2013, in which they are already on bail. He has further
submitted that there is another case which has been mentioned in
para 45 of the case diary bearing Chautarwa P.S. Case No.



196/2011 and in that case trial has already been concluded and the accused persons have been acquitted.

In the written report, it is alleged that petitioner no. 1 assaulted the informant with *lathi*. It is further alleged that co-accused Bhikhar Yadav assaulted the informant by means of *Farsa* due to which the informant fell down on the ground and became unconscious. Thereafter, Brother of the informant, Prabhu Prasad and his nephew Ranjit Prasad arrived for saving him. They were also assaulted by Petitioner Nos. 2 to 5.

Learned counsel for the petitioners submits that there is counter case also filed by petitioner no. 1 vide Chautarwa P.S. Case No. 124/2018. He has further submitted that in the aforesaid case petitioner no. 1 had sustained injury on his head.

Learned Additional P.P. has submitted that in the instant case injury report has been received wherein one injury has been found on the head of informant.

It is evident from allegation in F.I.R. that injury on the head of informant has been caused by co-accused Bhikhar Yadav with *Farsa*. Petitioner no. 1 is alleged to have assaulted with *lathi*. There is no specific allegation against petitioner nos. 2 to 5.

Considering the facts and circumstances of the case,



the prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Chautarwa P.S. Case No. 88/2018, 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 A.C.J.M. 1st, Bagaha, West Champaran, subject to the conditions as laid down under Section 438(2) of the 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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