

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20333 of 2018

Arising Out of PS. Case No.-148 Year-2017 Thana- HASANPUR District- Samastipur

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1. Hari Om Yadav, S/o Late Ramdeo Yadav,
 2. Mukesh Kumar S/o Late Rataneshwar Yadav,
 3. Ghanshyam Kumar S/o Hari Om Yadav,
 4. Manoj Yadav S/o Late Dev Narayan Yadav,
 5. Vikash Yadav @ Bikash Yadav S/o Shiv Shankar Yadav,
All R/o Village- Bargaon, P.S.- Hasanpur, District-
Samastipur.
 6. Kanchan Kumar Yadav @ Kanchan Kumar Yadav S/o Late Ram
Partap Yadav, R/o Village- Jitwarpur Nagar, P.S. and District-
Samastipur , Bihar India.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh
For the Opposite Party/s : Mr. Sri Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 20-09-2018 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Hasanpur P.S. Case No. 148/2017 for the offences under Section 147/148/149/323/324/325/307/354/379/504 of the Indian Penal Code.

There are 18 persons, who have been named in the First Information Report, who are said to have assaulted the informant and his family members. Six of them are here for grant of anticipatory bail. As regards petitioner No.1, it is alleged that when the informant was being assaulted, his wife, while coming in his rescue, was assaulted by him and she



became naked since petitioner No.1 pulled her saree.

In respect of petitioner No.5, it is alleged that he assaulted one Mithilesh Kumar. So far as petitioner No.6 is concerned, he is said to have assaulted one Jagdeo Yadav with *farsa* causing severe injury. So far as other petitioners are concerned, there is no allegation of assault against them.

Learned counsel appearing on behalf of the petitioner contends that the allegation against petitioner No.1 of pulling saree of the informant's wife and assaulting her is nothing but exaggerated version of an occurrence in respect of which there is counter case also registered at the instance of petitioner no.2. So far as the allegation of assault against Mithilesh Kumari is concerned, he contends that no injuries were found on her.

Considering the submissions made on behalf of the petitioners and the nature of allegations against them made in the First Information Report, I am not inclined to grant privilege of anticipatory bail to petitioner No.6. His application is accordingly rejected. He is directed to surrender before the Court below and seek regular bail, if so advised. If he does so within four weeks from today, his application for regular bail shall be considered on its own merits without being prejudiced by the rejection of the present application for anticipatory bail.



So far as other petitioners are concerned, in view of the averments made in the application that they do not have any criminal antecedent and considering the genesis of occurrence, prayer made on their behalf for grant of anticipatory bail is allowed.

Let the petitioner Nos. 1 to 5 above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on 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.-III, Rosera, District-Samastipur, in Hasanpur P.S. Case No. 148/2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Pawan/Ragini

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