

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5049 of 2019

Arising Out of PS. Case No.-153 Year-2018 Thana- HASANPUR District- Samastipur

1. Jay Jay Ram Yadav and Anr Son of Dularchand Yadav Resident of Village- Suraha, Basantpur
2. Sita Ram Yadav Son of Dularchand Yadav Resident of Village- Suraha, Basantpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra

For the Opposite Party/s : Mr.Anant Kumar I

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 12-03-2019 Heard the parties.

The petitioners seek anticipatory bail in connection with Hasanpur P.S.Case No. 153 of 2018, registered under Sections 147, 148, 149, 307, 323, 325, 338, 337, 341, 354, 379 and 504 of the Indian Penal Code.

Allegation as per the F.I.R. against the petitioners is of encroaching the land of the informant and on protest made by the informant, they assaulted the informant on his head by means of Khanti and when the mother of the informant rescue the informant, they also assaulted the mother and father of the informant and snatched the golden chain of the neck of the informant.



Submission of the learned counsel for the petitioners is that they have committed no offence and there is a case and counter case and the petitioners' side also received injuries but the nature of injuries opined by the doctor, are simple in nature and except injury No. 1 of the informant and Injury No. 8, which has been kept reserved for final report after X-ray and the petitioners have no criminal antecedent.

Heard learned A.P.P. as well as learned counsel for the informant opposes the prayer for bail.

Having heard both sides and in view of the facts and circumstances as discussed above, let the petitioner No. 2 and 3 are concerned, in the event of their arrest or surrender before the court below within a period of six weeks from the date of order, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five Thousand)each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate- III, Rosera , Samstipur in connection with Hasanpur P.S. Case No. 153 of 2018, subject to the condition that as laid down under Section 438 (2) of the Code of Criminal procedure with conditions that one of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned



court.

So far as the case of the petitioner No. 1 is concerned, I am not inclined to grant bail to the petitioner, Accordingly, prayer of anticipatory bail is rejected with a direction to the petitioner that if the petitioner surrender before the court below within a period of six weeks from the date of order and make prayer for regular bail, which will be considered by the learned court below on its own merit without being prejudiced by this order of this Court.

This application is accordingly disposed of on the same day.

(Vinod Kumar Sinha, J)

sudha/-

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