

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77457 of 2018

Arising Out of PS. Case No.-272 Year-2017 Thana- DHURAIYA District- Banka

1. Devi Yadav S/o Late Shibu Yadav
 2. Sushil Yadav S/o Late Shibu Yadav
 3. Sanjay Yadav S/o Devi Yadav
- All are Resident of village - Sadpur, P.S. - Dhoraiya, District - Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vibhakar Kumar, Adv.

For the Opposite Party/s : Mr.Sri Ram Sumiran Roy, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 10-12-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have filed the instant application for grant of anticipatory bail apprehending his arrest in a case registered for the offence under section 147, 148, 149, 323, 379, 341, 325, 307, 504 and 506 of the IPC.

As per allegation in the FIR, it was stated by the informant that on her going to the “*Bathan*”, she saw that Sonu Kumar was pulling at the lock. The informant held him and made him to leave. At this time, it is stated that the accused persons including three petitioners stopped him from taking Sonu Kumar to the Surpanch. Thereafter, it is stated that he was assaulted with *lathi*, stick etc. and the petitioner no.2 is stated to



have assaulted him on his head causing injury. On his wife coming to his rescue, she was also pushed to the ground.

It is submitted by learned counsel for the petitioners that from perusal of the FIR, it would be evident that it was a minor altercation in connection with and relating to a 13 years old boy that has been blown out of proportion. Both the sides belong to the same family and the allegations are false and concocted.

The application for anticipatory bail is opposed by learned APP for the State who submits that there is direct allegation in the FIR against petitioner nos.1 and 3.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, together with the allegation made in the FIR, the court is not inclined to grant anticipatory bail to the petitioner nos.1 and 3. Hence, prayer for anticipatory bail of petitioner nos.1 and 3 are rejected.

However, in the facts and circumstances of the case petitioner no.2 in the event of his arrest or surrender in the court below within a period of six weeks from today in connection with Dhoraiya P.S. Case no.272 of 2017 is directed to enlarge on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with



two sureties of the like amount each to the satisfaction of
learned ACJM-IVth, Banka, subject to the conditions as laid
down in section 438(2) of the Criminal Procedure Code.

(Partha Sarthy, J)

Prakash Narayan /-

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