

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33191 of 2019

Arising Out of PS. Case No.-19 Year-2019 Thana- BAHERA District- Darbhanga

1. Ram Sushil Yadav, Son of Ram Lakhan Yadav, Resident of Village-Brahmpatti, P.S.-Bahera, District-Darbhangha.
2. Ram Lakhan Yadav, Son of Sabadhi Yadav, Resident of Village-Brahmpatti, P.S.-Bahera, District-Darbhangha.
3. Sabitri Devi, Wife of Ram Lakhan Yadav, Resident of Village-Brahmpatti, P.S.-Bahera, District-Darbhangha.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Mukesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 27-09-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners in the present case are seeking anticipatory bail in connection with Bahera P.S. Case No. 19 of 2019 registered for the offences punishable under Sections 341, 323, 324, 307, 354(A) and 379/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. There is a case and counter case between the parties. Learned counsel also submits that there is no specific allegation of assault against the petitioner no. 1 namely Ram



Sushil Yadav and petitioner no.3 Sabitri Devi.

Considering the facts and circumstances of this case, wherein there is no specific allegation of assault against the petitioner no. 1 namely Ram Sushil Yadav and petitioner no.3 Sabitri Devi, let in the event of their arrest or surrender within a period of four weeks from today, let the petitioner nos. 1 and 3 abovenamed be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Benipur at Darbhanga in connection with Bahera P.S. CAse No. 19 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.



So far as the petitioner no. 2 namely Ram Lakhan Yadavis concerned since there are specific allegations of giving repeated blow against him which caused multiple injuries to the victim, this Court is not inclined to grant the privilege of anticipatory bail to petitioner no. 2, his prayer for anticipatory bail is refused.

In case he surrenders and prays for regular bail in the court below his prayer for regular bail shall be considered on its own merit.

(Rajeev Ranjan Prasad, J)

vats/ved

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