

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44949 of 2019

Arising Out of PS. Case No.-83 Year-2019 Thana- SAHPUR District- Bhojpur

-
1. CHUNNU YADAV @ CHUNU YADAV Son of Visheshwar Yadav Resident of Village - Madhopur, P.S.- Shehpur (Karnamepur), District- Bhojpur
 2. Mohan Yadav Son of Visheshwar Yadav Resident of Village - Madhopur, P.S.- Shehpur (Karnamepur), District- Bhojpur
 3. Lakshman Yadav @ Lachuman Yadav @ Laxman Yadav Son of Jagdeo Yadav Resident of Village - Madhopur, P.S.- Shehpur (Karnamepur), District- Bhojpur
 4. Visheshwar Yadav @ Bisheshwar Yadav Son of Kapil Yadav Resident of Village - Madhopur, P.S.- Shehpur (Karnamepur), District- Bhojpur
 5. Algu Yadav @ Abhishek Yadav Son of Kanhaiya Yadav Resident of Village - Madhopur, P.S.- Shehpur (Karnamepur), District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Uday Singh
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 14-08-2019 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Shahpur Police Station Case No. 83 of 2019, disclosing offences under Sections 147, 148, 149, 323, 324, 307, 379, 504, 506 of the Indian Penal Code.

The allegation against the petitioners, as per the First Information Report, is that the petitioners along with others, variously armed, assaulted aunt and nephew of the informant,



by means of various weapons, which were carried by them in their hands.

Learned Counsel for the petitioners submits that as per the allegation made in the First Information Report, the petitioner no. 1 was not holding any weapon in his hand, petitioner nos. 2 to 4 were holding sharp-cutting weapons in their hands and the petitioner no. 5 was holding a danda in his hand. He further submits that no specific allegation has been levelled against these petitioners of assault. However, from perusal of the injury reports (Annexures 2 and 2/A), it is evident that the injuries caused to the victims are by hard and blunt substance; whereas the petitioner nos. 2 to 4 were holding sharp-cutting weapons in their hands. He further submits that there is land dispute between the parties and both the parties reside in the same village.

After having heard learned Counsel for the parties and taking into consideration the fact that no specific allegation of assault has been levelled against these petitioners and further the injuries sustained by the victims do not corroborate with the allegation made in the First Information Report and the same has been caused by hard and blunt substance; whereas the allegation is that the petitioners were holding sharp-cutting



weapons in their hands, I am inclined to grant the petitioners privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 14th Additional Chief Judicial Magistrate, Ara, in connection with Shahpur Police Station Case No. 83 of 2019, subject to the condition 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.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

U	✓	T	✓
---	---	---	---

