

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42493 of 2019

Arising Out of PS. Case No.-59 Year-2019 Thana- HARNAUT District- Nalanda

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1. Ramnandan Yadav Son of Late Bundi Yadav, Resident of Village- Gangta, P.S.- Harnaut (O.P. Gukhulpur), District- Nalanda.
 2. Mukesh Yadav Son of Ramnandan Yadav, Resident of Village- Gangta, P.S.- Harnaut (O.P. Gukhulpur), District- Nalanda.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ganesh Sharma, Advocate

For the Opposite Party/s : Mr.Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 01-10-2019 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners in the present case are seeking anticipatory bail in connection with Harnaut (Gokhulpur) P.S. Case No. 59 of 2019 registered for the offences punishable under Sections 147, 148, 342, 323, 307, 379 and 354 of the Indian Penal Code.

Learned counsel for the petitioners submits that there are general and omnibus allegations of causing assault upon the informant, his wife and the daughter. Learned counsel submits that no specific allegations have been made against these two petitioners.



On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail. It is submitted that from Annexure '2' series it would appear that the wife of the informant has suffered fracture of both bone in the left forearm, there are other injuries caused by hard blunt substance. The forearm fracture has been found to be grievous in nature. Similarly, the informant has also suffered injuries on his body and his daughter has also been assaulted. Thus, all the accused persons have joined together in causing assault and since one of the co-accused has been granted regular bail, there is no reason as to why this petitioner got privilege of anticipatory bail.

In the given facts and circumstances of the case, this Court is of the considered opinion that in the nature of allegation where these petitioners have also actively participated in causing assault and as many as three members of the family of the informant including the informant have suffered injuries on their body suggestive of assault by different persons and that one of the co-accused has been granted regular bail, this Court is not willing to extend the privilege of anticipatory bail to the petitioners.

If the petitioners surrender and pray for regular bail in the court below within a period of four weeks from today, the



same will be considered on their own merit and while considering the prayer for regular bail the court below shall also consider that one of the co-accused has been granted regular bail in this case.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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