

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48068 of 2018

Arising Out of PS. Case No.-102 Year-2018 Thana- CHANPATIA District- West Champaran

1. Prem Kumar Yadav, S/o Sunil Yadav
 2. Deepak Kumar Yadav, Son of Prabhu Yadav
 3. Rajeshwar Yadav S/o Jawahir Yadav
- All three are R/o Village- Chanpatiya Mela Ground Ward No. 2, P.S. Chanpatiya, District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Sri Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 19-02-2019 Initially the present application was preferred with a prayer for anticipatory bail on behalf of three petitioners, but it appears from the order dated 31.08.2018 that the application with regard to petitioner no.3, Rajeshwar Yadav has been dismissed as withdrawn.

Heard learned counsel for the petitioner no. 1 and 2 and learned APP for the State.

The petitioner nos. 1 and 2 are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 504 and 506/34 of the Indian Penal Code.

The prosecution case as per the written report of



Mithu Lal Mukhiya submitted to the Station House Officer of Chanpatia Police Station is to the effect that on 16.03.2018 at 8.00 P.M., petitioner no. 1, Prem Kumar Yadav came to the house of the informant and called the son of the informant and thereafter, petitioner no. 1, Prem Kumar Yadav, co-accused Rajeshwar Yadav, Raja Yadav and petitioner no.2, Deepak Kumar Yadav assaulted the son of the informant and gagged his mouth when petitioner no.1, Prem Kumar Yadav stabbed the son of the informant. It is alleged that co-accused Raja Yadav and petitioner no.2, Deepak Kumar Yadav pointed country made pistol on the temporal region of the son of the informant.

It is submitted by learned counsel for the petitioners that the injury of the son of the informant has been found simple in nature and there is a counter version of the occurrence being Complaint Case No. 450C of 2018. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the accusation is specific against petitioner no. 1.

Considering the nature of accusation against petitioner no. 1, Prem Kumar Yadav, this Court is not inclined to grant him anticipatory bail. Let the learned Court below consider the



prayer for regular bail of petitioner no. 1, Prem Kumar Yadav keeping in view the fact that the injury has been found simple in nature, if he surrenders before the learned Court below within a period of six weeks from today.

Since there is no accusation of causing injury by petitioner no.2, Deepak Kumar Yadav coupled with the statement made in paragraph 3 of the petition that the petitioner no. 2 is not having any criminal antecedent, let the above named petitioner no.2, Deepak Kumar Yadav be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate Vth, Bettiah, West Champaran in connection with Chanpatia P.S. Case No. 102 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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