

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43613 of 2019**

Arising Out of PS. Case No.-135 Year-2019 Thana- DARBHANGA SADAR District-
Darbhanga

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1. RAM LAKHAN YADAV Son of Dasrath Yadav Resident of Village - Kharua, P.S.- Sadar, Dist.- Darbhanga.
 2. Rajesh Yadav Son of Ram Lakhan Yadav Resident of Village - Kharua, P.S.- Sadar, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 16-07-2019 Let the vakalatnama filed on behalf of the informant
be kept on the record.

Heard learned counsel for the petitioners and the
learned A.P.P. for the State as also the learned counsel for the
informant.

The petitioners apprehend their arrest in connection
with Sadar P.S. Case No.135 of 2019 registered under Sections
341, 323, 307 and 379/34 of the Indian Penal Code.

The accusation is that in the evening of 26.03.2019,
the informant Baijnath Yadav was returning to his house after
attending the call of nature. When the informant reached behind
his house, then six persons named in the F.I.R., including the



petitioners, under conspiracy, surrounded the informant and started to cause assault to the informant through lathi, danda and rod. At that time, Hriday Narayan Yadav caused blood oozing injury at the head of the informant through farsa. Thereafter, Ram Lakhan Yadav (petitioner no.1) caused blood oozing injury near the left ear of the informant through rod. When Jagdish Yadav, the father of the informant, rushed to save the informant, he was also assaulted through farsa. In that course, Rajesh Yadav (petitioner no.2) caused blood oozing injury on the head of Annu Kumari, the daughter of the informant, through farsa. At that time, Ramdai Devi snatched the gold locket from the neck of the informant.

Learned counsel for the petitioner submits that while the injury, which is said to be caused by the petitioner no.1 at the left ear of the informant is simple in nature but the opinion regarding the nature of injury, which is said to be caused by the petitioner no.2 to Annu Kumari, has been kept reserved. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioner no.1, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Darbhanga, in connection with Sadar P.S. Case No.135 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

So far as the petitioner no.2, above named, is concerned, considering the nature of allegation as against him, I am not inclined to grant the privilege of pre-arrest bail to the petitioner no.2, above named. Accordingly, the prayer of the petitioner no.2, above named, for grant of privilege of pre-arrest bail stands rejected. However, the petitioner no.2, above named, is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

P.S./-

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