

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50155 of 2019

Arising Out of PS. Case No.-51 Year-2019 Thana- GUTHANI District- Siwan

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1. Krishna Yadav Son of Late Lalji Chaudhary, Resident of Village- Mamaur, P.S.- Guthani, District- Siwan.
 2. Ashok Yadav Son of Paras Yadav, Resident of Village- Mamaur, P.S.- Guthani, District- Siwan.
 3. Akhilesh Kumar Yadav Son of Rama Yadav, Resident of Village- Mamaur, P.S.- Guthani, District- Siwan.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar Pandey, Advocate
For the State	:	Mr.Binod Kumar, APP
For the Informant	:	Mr.Prashant Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-10-2019 Heard learned counsel for the petitioners, learned
counsel for the Informant and learned A.P.P. for the State.

Petitioners in the present case are seeking anticipatory bail in connection with Guthani P.S. Case No. 51 of 2019 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that although there are allegations against the petitioner no. 1 of having given a Farsha blow on the head of the informant but from the injury report it would appear that the injury on the head of the informant has been caused by hard and blunt substance. So far as



the allegation that petitioner no. 2 had given a blow on Bhola is not substantiated as no injury has been found on the body of Bhola. As regards petitioner no. 3 the allegation is that he had assaulted Balindar Yadav, however, only a simple injury has been found on the body of Balindar Yadav. Learned counsel submits that there is a counter case lodged by the petitioners' side wherein it has been alleged that the informant's side was the aggressor and they had caused injuries to the petitioners' side also.

Learned counsel for the Informant and learned A.P.P. for the State have opposed the prayer for anticipatory bail of the petitioners.

Considering the facts and circumstances of this case, wherein there is a specific allegation of causing a grievous injury on the head of the informant against petitioner no. 1 and it is the statement of the injured herself, this Court is not inclined to grant benefit of anticipatory bail to the petitioner no. 1 Krishna Yadav. His prayer for anticipatory bail is, thus, refused. In case he surrenders in the court below and prays for regular bail within period of four weeks from today, the same will be considered on its own merit.

So far as the petitioner nos. 2 and 3 are concerned, since the allegation against the petitioner no. 2 is not substantiated by producing any injury report and the allegation against the



petitioner no. 3 is that of causing a simple injury, there being a counter case and counter version of the allegation is still under investigation, let in the event of their arrest or surrender within a period of four weeks from today the petitioner nos. 2 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 C.J.M., Siwan in connection with Guthani P.S. Case No. 51 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.

(Rajeev Ranjan Prasad, J)

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