

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50946 of 2019

Arising Out of PS. Case No.-145 Year-2019 Thana- HUSSAINGANJ District- Siwan

-
1. Bhikhari Yadav (Male) aged about 72 years S/o Late Mahavir Yadav
 2. Laljhari Devi (F) aged about 62 years W/o Bhikhari Yadav
 3. Gita Devi (F) aged about 30 years W/o Varsan Yadav
 4. Urmila Devi (F) aged about 32 years W/o Dasrath Yadav
 5. Rajnish Kumar Yadav (M) aged about 18 years, S/o Varsan Yadav
- All are residents of village- Telkathu, P.S.- M.H. Nagar, District- Siwan
... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Gajendra Kumar Singh, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 19-08-2019 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 341, 323, 324, 308, 504, 506 and 447 of the Indian Penal Code registered in connection with Hussainganj (M.H. Nagar) P.S. Case No. 145 of 2019.

3. It is submitted that the petitioners have been falsely implicated and there is case and counter case between the parties. Petitioner no. 1 and the informant are own brothers between whom partition had been effected and the old residential house fell to the share of petitioner no. 1 and the informant was being asked to vacate the same which led to institution of the FIR. The injuries sustained by all the three injured persons of the informant's side are simple in nature except injury no.1 sustained by the informant Pancham Yadav on his head with sharp edged instrument attributed to petitioner no. 1 who is said to have been armed with *gransa*. The petitioners claim clean antecedents.

4. As regards petitioner no. 1, namely, Bhikhari Yadav,



having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant anticipatory bail to him. His anticipatory bail petition stands dismissed.

5. As regards petitioner nos. 2, 3, 4 and 5, namely, Laljhari Devi, Gita Devi, Urmila Devi and Rajnish Kumar Yadav, in the event of their arrest or surrender before the court below within six weeks from the date of communication of this order, let them be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Hussainganj (M.H. Nagar) P.S. Case No. 145 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

(i) That one of the bailors of each of petitioner nos. 2 to 5 shall be their close relatives.

(ii) That the petitioner nos. 2 to 5 shall not indulge in any similar offence till conclusion of the trial.

(iii) That petitioner nos. 2 to 4 shall be well represented in court on each and every date during trial except as and when directed by the learned Court below to be physically present and petitioner no. 5 shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

BT/-

U		T	
---	--	---	--

