

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54057 of 2019

Arising Out of PS. Case No.-201 Year-2019 Thana- BARHARA District- Bhojpur

1. PRABHANSH YADAV Son of Chilangi Yadav Resident of Village - Semaria, P.S.- Barahara, (Sinha O.P.), Distt - Bhojpur
2. Bhuar Yadav Son of Prabhansh Yadav Resident of Village - Semaria, P.S.- Barahara, (Sinha O.P.), Distt - Bhojpur
3. Sri Kishun Yadav Son of Late Alchari Yadav Resident of Village - Semaria, P.S.- Barahara, (Sinha O.P.), Distt - Bhojpur
4. Ramnath Yadav Son of Late Dharichhan Yadav Resident of Village - Semaria, P.S.- Barahara, (Sinha O.P.), Distt - Bhojpur
5. Jugal Yadav @ Yugal Yadav Son of Sri Kishun Yadav Resident of Village - Semaria, P.S.- Barahara, (Sinha O.P.), Distt - Bhojpur

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Hari Mohan Tripathi Mr.Ajay Kumar Tiwary
For the Opposite Party/s :		Mr.Yogendra Kumar, APP
For the Informant	:	Mr. Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 30-08-2019

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Barahara (Sinha O.P.) P.S. Case No. 201 of 2019 for the offence punishable under Sections 147, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code.

There is allegation against the persons, named in the First Information Report, of having assaulted the informant, who were armed with *lathi* and rod etc.

Learned counsel appearing on behalf of the



petitioners has submitted that evidently the allegation is general and omnibus and there is no specific overt act alleged against these petitioners in the First Information Report.

Learned counsel appearing on behalf of the informant has submitted that the informant Ram Pukar Yadav is illiterate and the written statement, on the basis of which the First Information Report has been registered, cannot be treated to be First Information Report. He has submitted that his *fard beyan* was taken while he was admitted in hospital, based on which the First Information Report ought to have been registered.

Learned counsel appearing on behalf of the informant has, however, not disputed that Barhara (Sinha) P.S. Case No. 201 of 2019 has been registered on the basis of written statement of the informant.

Considering the nature of accusation made in the said written report of the informant, in my view, case for grant of anticipatory bail is made out. This application is accordingly allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs.



10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bhojpur, Ara, in Barahara (Sinha O.P.) P.S. Case No. 201 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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