

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2951 of 2020

Arising Out of PS. Case No.-333 Year-2019 Thana- SUGAULI District- East Champaran

1. Murari Yadav @ Mukhi Yadav Son of Sh. Sugriv Yadav Resident of Village-Kaithwaliya, Police Station-Sugauli, District-East Champaran.
2. Sugriv Yadav Son of Late Sitaram Yadav Resident of Village-Kaithwaliya, Police Station-Sugauli, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 16-09-2020 This matter has been taken up through Video Conferencing.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341/324/307/379/427/448/504/34 of the Indian Penal Code.

Both sides are agnates and for property dispute on the order of petitioner No.2 Sugriv Yadav, aged about 69 years, other named accused including petitioner No.1 assaulted to the informant by different weapons of cutting etc. The doctor has found a lacerated wound on the parietal region and other cut



wounds on different non-vital parts of the body of the injured.

Learned counsel for the informant submits that anticipatory bail application is not maintainable after issuance of warrant of arrest against the petitioner and thereafter process under Sections 82 and 83 Cr.P.C.

Learned counsel for the petitioner submits that before issuance of warrant of arrest on 05.12.2019 the petitioner has already filed anticipatory bail application before the learned Sessions Judge on 30.08.2019 and, in fact, the petitioner was not evading the process of law; rather exercising his statutory right of anticipatory bail.

Considering the nature of allegation against petitioner No.2 Sugriv Yadav, in my view, this is not a fit case wherein petitioner No.2 should be compelled to go to jail.

Hence, let petitioner Sugriv Yadav, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court-below where the case is pending in connection with Sugauli Police Station Case No.333 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure as well as condition that the petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

Considering the nature of offence against petitioner No.1 Murari Yadav @ Mukhi Yadav, I am not inclined to grant him anticipatory bail. Hence, the prayer for anticipatory bail is refused. However, in the event of surrender of petitioner No.1, the prayer for regular bail shall be disposed of without being prejudiced by the order of this Court.

(Birendra Kumar, J)

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