

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5930 of 2020**

Arising Out of PS. Case No.-201 Year-2019 Thana- SISWAN District- Siwan

1. SANTOSH YADAV @ SANTOSH KUMAR YADAV Son of Sanjay Yadav Resident of Village - Nagai, P.S.- Siswan, Dist.- Siwan
2. Bharat Mahto @ Bharat Kumar Son of Lalan Mahto Resident of Village - Nagai, P.S.- Siswan, Dist.- Siwan
3. Kalyan Yadav @ Kalyan Kumar Son of Arjun Yadav Resident of Village - Nagai, P.S.- Siswan, Dist.- Siwan
4. Krit Yadav @ Krit Kumar Son of Arjun Yadav Resident of Village - Nagai, P.S.- Siswan, Dist.- Siwan
5. Dhanu Yadav @ Dhanu Kumar Son of Satyeadev yadav Resident of Village - Nagai, P.S.- Siswan, Dist.- Siwan

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ramchandra Sahni,Advocate
For the Opposite Party/s : Mr.Abhay Kumar Roy,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 03-07-2020 Heard learned counsel for the petitioner and Mr. Abhay Kumar Roy, learned APP for the State.

The petitioners in the present case are seeking anticipatory bail in connection with Siswan (Chainpur O.P) P.S. Case No. 201 of 2019 registered for the offences under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the First Information Report it was petitioner nos. 1 and 2 who had firstly assaulted the informant but it is alleged that when the informant fell down because of the injuries received by him, co-



accused who are petitioner nos. 3, 4 and 5 along with one Dharmendra Yadav had also assaulted the informant by *lathi*. It is submitted that the story regarding the subsequent assault by Dharmendra Yadav and co-accused petitioner nos. 3, 4 and 5 having been vague and in the nature of superimposition, Dharmendra Yadav has already been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 6378 of 2020 on 18.06.2020. In course of submission, learned counsel for the petitioners admits that so far as petitioner nos. 1 and 2 are concerned, they are not standing on the similar footing.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case wherein, there is direct allegation of assault at first instance against petitioner nos. 1 and 2 and the same finds support from the injury report showing injuries on the vital part of the body of the informant, this Court is not inclined to grant privilege of anticipatory bail to petitioner nos. 1 and 2. Their prayer for anticipatory bail is, thus, refused.

In case they surrender and pray for regular bail in the learned court below within four weeks from today, their prayer



for regular bail shall be considered on its own merit without being prejudiced by the present order.

Since petitioner nos. 3, 4 and 5 are standing on the similar footing with Dharmendra Yadav who has been granted privilege of anticipatory bail by learned Co-ordinate Bench of this Court, this Court is inclined to grant them the same benefit. Let the petitioner nos. 3, 4 and 5 above named in the event of their arrest or surrender within a period of four weeks from today in connection with Siswan (Chainpur O.P) P.S. Case No. 201 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, subject to the conditions 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.

This application is partly allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Arvind

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

