

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7011 of 2020

Arising Out of PS. Case No.-471 Year-2019 Thana- KHAGARIA District- Khagaria

1. Rajiv Yadav, S/o Chano Yadav, Resident of Village- Nanhaku Mandal Tola, P.S.- Muffasil, Distt- Khagaria.
2. Sajivan Yadav, S/o Chano Yadav, Resident of Village- Nanhaku Mandal Tola, P.S.- Muffasil, Distt- Khagaria.
3. Ramji Yadav, S/o Chano Yadav, Resident of Village- Nanhaku Mandal Tola, P.S.- Muffasil, Distt- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajit Kumar, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 08-09-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners are apprehending their arrest in connection with Khagaria (Mufassil) P.S. Case No.471 of 2019



registered for the offence punishable under Sections 341, 323, 307, 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the allegations against petitioner no.1 Rajiv Yadav is that he gave *Lathi* blow on the head of the informant and other petitioners caught hold of the informant and also assaulted him by leg and fists. It is submitted that, in fact, there was a dispute between the children of the accused petitioners and the informant which led to a quarrel between the parties. Asha Devi wife of petitioner Ramji Yadav has also filed a case i.e. Muffasil P.S. Case No.475 of 2019 in relation to the same occurrence wherein she has submitted medical treatment papers in support of the allegation of assault against the prosecution party of this case.

Submission is the petitioners have no criminal antecedents and that the opinion of the Doctor in relation to the injury arising out of assault attributed to petitioner no.1 has been found to be simple in nature.

Learned APP for the State has opposed the prayer for pre-arrest bail.

Considering the rival submissions, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.



Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria, in connection with Khagaria (Mufassil) P.S. Case No.471 of 2019, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

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