

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7117 of 2020

Arising Out of PS. Case No.-140 Year-2019 Thana- MANPUR District- Nalanda

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1. Musafir Yadav, Son of Late Chhkori Yadav Resident of Village - Gogripur, P.S.- Manpur, Distt - Nalanda.
 2. Kaushal Yadav, Son of Musafir Yadav, Resident of Village - Gogripur, P.S.- Manpur, Distt - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 18-09-2020 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 Manpur P.S. Case No.140 of 2019 registered for the offence punishable under Sections 341, 323, 325, 307,



504/34 of the Indian Penal Code.

As per the prosecution case, the informant has been assaulted by the petitioners by means of stick and rod.

Petitioners' counsel submits that it is a case of false implication. The F.I.R. itself discloses that there is a pre-existing dispute between the parties. Injury report (Annexure 2) has stated the injuries to be simple in nature. The petitioner No.1 is retired staff of Ram Lakhan Singh Yadav College, Biharsharif and aged about 65 years.

Learned APP for the State has opposed the prayer for pre-arrest bail. It is submitted that the injury report shows various injuries. There is direct allegation of assault by means of stick and rod against the petitioners.

Considering the rival submissions, prayer for anticipatory bail on behalf of petitioner No.1 Musafir Yadav is allowed.

Accordingly, let the petitioner No.1 Musafir Yadav, in event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Nalanda, in connection with Manpur P.S. Case



No.140 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 will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Prayer for anticipatory bail on behalf of petitioner No.2 Kaushal Yadav is rejected.

However, it is made clear that if petitioner No.2 Kaushal Yadav approaches the court below for grant of regular bail, rejection of the instant application shall not be taken as a ground to reject his prayer for regular bail, which is required to be considered on its own merit, in accordance with law.

(Madhuresh Prasad, J)

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