

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17358 of 2020**

1. Ganesh Yadav, son of Ghutar Yadav
2. Prem Lal Yadav, son fo Ghutar Yadav
3. Manish Yadav @ Manish Kumar, son of Ganesh yadav
All resident of village Indarwa, P.S.-Sour Bazar, District-Saharsa.
... .. Petitioners

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

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

2 17-07-2020 Heard learned counsel for the petitioners and Mr. Dr. Kumar Uday Pratap, learned APP for the State.

Petitioners in the present case are apprehending their arrest in connection with Sour Bazar P.S. Case No.454 of 2019 registered for the offence under Sections 341, 323, 324, 307/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners and the informant are own gotiyas and they had a scuffle on a petty issue whereupon it is alleged that petitioner no.1 assaulted on the head of the son of the informant causing injury to him, petitioner no.2 assaulted the informant by farsa on his head causing injury and petitioner no.3 assaulted him in the injured condition by iron rod on his hand and Prem Lal Yadav took away gold chain and Rs.15,000/-.

Learned counsel submits that it is a case of false implication and the injury on the head of the informant has been found to be simple in nature but the nature of the injury on the head of the son of the



informant has been sent for further report to which is still awaited.

Learned APP for the State has opposed the prayer for pre-arrest bail of the petitioner. It is submitted that so far as petitioner nos.1 and 2 are concerned there are specific allegations against them that they had assaulted the son of the informant and the informant on their head causing injuries. It is submitted that the injury of son of the informant seems to be grievous in nature. It is submitted that so far as petitioner nos.1 and 2 are concerned, they are accused in similar case as stated in paragraph '3' of this application. As regards petitioner no.3, it is stated that he had assaulted the informant on his hand after he fell down but the injury report as contained in Annexure-3 shows only abrasion in the elbow region.

Having regard to the facts and circumstances of the case and having noticed that there are specific allegations against petitioner nos.1 and 2 causing injuries on vital part of the body and that they are also having criminal antecedent of similar nature, this Court is not inclined to grant privilege of anticipatory bail to the petitioner nos.1 and 2. Their prayer for anticipatory bail is, thus, refused.

In case they surrender and pray for regular bail in the court below within a period of four weeks from today, their prayer for regular bail shall be considered on its own merit without being prejudiced by the present order.

So far as petitioner no.3 is concerned, since no specific injury has been found on the hand of the informant and the only injury noticed in the elbow region is simple in nature, considering the nature



of allegations and the materials on the record as against petitioner no.3, this Court is inclined to grant privilege of anticipatory bail to him. Let the petitioner no. 3 above named in the event of his arrest or surrender within a period of four weeks from today in connection with Sour Bazar P.S. Case No.454 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saharsa, 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)

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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'.

