

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24362 of 2020

Arising Out of PS. Case No.-552 Year-2019 Thana- BARACHATTI District- Gaya

1. JAGESHWAR YADAV S/o Late Meman Yadav R/o village- Kulari, P.S.- Mohanpur, District- Gaya
2. Ganesh Yadav @ Ganesh Kumar Yadav S/o Ramashish Yadav R/o village- Kulari, P.S.- Mohanpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 09-12-2020 Heard Mr. Ajay Kumar Sinha, learned counsel for the petitioners and Mr. Mritunjay Kumar Nirala, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners apprehend arrest in connection with Barachatti Mohanpur P.S. Case No. 552 of 2019 registered for the offences punishable under Sections 341, 323, 337, 338, 307, 379, 504, 506 and 34 of the Indian Penal Code 1860.

The allegation as per the First Information Report is that petitioner No. 1 has assaulted the father of the informant by iron rod on his head and petitioner No. 2 took out a sum of Rs.5,000/- from his pocket.



Learned counsel for the petitioners submits that both the parties are agnates and there is land dispute between them. Learned counsel further submits that altogether 10 persons including petitioners have been made accused in this case. Out of them, six persons have been granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. 12495 of 2020. Learned counsel also submits that there is delay of 16 days in lodging the First Information Report inasmuch as the date of occurrence is 30.10.2019 but the FIR has been lodged on 16.11.2019. Learned counsel next submits that by the side of the petitioners, a complaint case has been lodged being Complaint Case No. 625 of 2019 against the informant and his family members on 31.10.2019.

On the other hand, learned counsel for the State vehemently opposes the prayer for anticipatory bail of the petitioners and submits that there is specific allegation of assault against petitioner No. 1 that he assaulted the father of the informant on his head, by means of rod, and injury report is corroborating the allegation that serious injury has been found on the head of father of the informant. Learned counsel also submits that *Fard-e-beyan* of the informant was immediately recorded in the Hospital on 31.10.2019 by the Police and the



formal FIR has been lodged by the Police on 16.11.2019.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that there is specific allegation of assault against the petitioner No. 1, I am not inclined to grant anticipatory bail to petitioner No. 2.

Accordingly, the prayer for anticipatory bail of the petitioner No. 1 namely, Jageshwar Yadav, stands **rejected**.

So far as petitioner No. 2 namely, Ganesh Yadav @ Ganesh Kumar Yadav, is concerned, there is no allegation of assault against him, I am inclined to grant anticipatory bail to him.

Accordingly, in the event of arrest or surrender of petitioner No. 2 before the court below within six weeks from today, he shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghatti, Gaya, in connection with Barachatti Mohanpur P.S. Case No. 552 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails



bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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