

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22645 of 2020

Arising Out of PS. Case No.-41 Year-2020 Thana- BARARI District- Katihar

1. SANTOSH YADAV @ SANTOSH KUMAR YADAV S/o Arvind Kr. Yadav @ Arun Yadav Resident of Village- Kuriya, P.S.- Barari, Distt- Katihar.
2. Suman Yadav @ Saman Kumar S/o Arvind Kr. Yadav @ Arun Yadav Resident of Village- Kuriya, P.S.- Barari, Distt- Katihar.
3. Ujjwal Yadav @ Ujjwal Kumar Yadav S/o Arvind Kr. Yadav @ Arun Yadav Resident of Village- Kuriya, P.S.- Barari, Distt- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad

For the Opposite Party/s : Mrs. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-09-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Mrs. Anita Kumari Singh, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Barari P.S. Case No. 41 of 2020 for the offence registered under Sections 341, 323, 324, 307, 427 and 504 read with Section 34 of the Indian Penal Code.

The case of the prosecution in brief is that on 23.02.2020 a call was received by the son of the informant that an electric



mechanic was being assaulted whereafter the informant along with his son reached at the alleged place of occurrence and had protested, however, the petitioners started assaulting the informant resulting in him receiving injuries.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and are having clean antecedent. It is further submitted that though the petitioners are accused in one other case but they are on bail in the said case. The learned counsel for the petitioners has also submitted that a bare perusal of the injury report annexed to the present bail petition would show that the injuries sustained by the informant are simple in nature. Lastly, it is submitted that the petitioners are ready and willing to abide by such conditions as may be imposed by this Court for the purposes of grant of anticipatory bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the fact that a general and omnibus allegation of assault has been levelled against the petitioners herein and the informant has sustained simple



injuries, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail, however, subject to certain conditions.

Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Katihar in connection with Barari P.S. Case No. 41 of 2020 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioners would mark their attendance before the Officer In-Charge of the concerned Police Station at 10:00 A.M. on every Monday of the week and in the event of their failure to do so on two consecutive occasion, the present privilege of bail shall stand cancelled automatically and the petitioners shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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