

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27038 of 2020

Arising Out of PS. Case No.-198 Year-2019 Thana- PHULWARIYA District- Gopalganj

RAHUL YADAV Son of Kanhaiya Yadav Resident of Village Sangrampur
Gopal, P.S. Phulwariya, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bisheshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 12-11-2020

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.

Mr. Bisheshwar Ram, APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner apprehends arrest in Phulwariya PS Case No. 198 of 2019 registered under Sections 147, 148, 149, 341, 323, 324, 302 and 504 of the IPC.

It is alleged in the FIR that the informant, his father and brothers were playing Daga at their door on Mahabiri Akhara. The accused persons, including the petitioner, armed with lathi, farsa and sword have come and indiscriminately assaulted his father.



Learned Counsel for the petitioner submits that the petitioner bears a clean past. It is a case of false implication. The falsity of the allegation is evident from the fact that sharp edged weapon is alleged to have been used in the indiscriminate assault. The post mortem report however does not indicate any such injury. Other co-accused having similar allegation namely Binod Chauhan and Manoj Chauhan have been allowed pre-arrest bail in Cr. Misc. No. 1727 of 20290. The claim for anticipatory bail is also made on the ground of parity. There is no allegation of tampering of witnesses against the petitioner.

Learned APP for the State has opposed the prayer for anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

Accordingly, let the petitioner above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of ACJM XIII Gopalganj in Phulwariya PS Case No. 198 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also 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.

(Madhuresh Prasad, J)

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