

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22848 of 2020**

Arising Out of PS. Case No.-445 Year-2019 Thana- SIRDALA District- Nawada

1. GANAURI PRASAD @ GANAURI PRASAD YADAV Son of Late Ramsharan Prasad Yadav Resident of Village-Abdul, Police Station-Sirdala, District-Nawada.
2. Dulari Devi Wife of Ganauri Prasad @ Ganauri Prasad Yadav Resident of Village-Abdul, Police Station-Sirdala, District-Nawada.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

5 24-11-2020 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Sirdala P.S. Case No. 445 of 2019 registered for the offences punishable under Sections 341, 323, 354(B), 307, 448, 379, 504, 506/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that so far as petitioner no. 1 is concerned, there is a general and omnibus allegation against him that he had also assaulted the informant.



It is submitted that in the F.I.R. it is alleged that Vinod Kumar who is co-accused had assaulted the informant on his head by a Garasa but the said assault was received on the left hand of the informant which caused grievous injury. So far as this petitioner is concerned, it is alleged that he along with Vinay Kumar co-accused had also come there with iron rod and had assaulted the informant but the assault caused by this petitioner has not been shown to have caused any grievous injury.

It is further submitted that co-accused Vinod Kumar has been granted privilege of anticipatory bail in Cr. Misc. No. 24852/2020.

So far as petitioner no. 2 is concerned, it is alleged that there is again a general kind of allegations against her that she had assaulted the wife and sister of the informant.

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioners but it is not denied that in the medical examination report of the informant one grievous injury has been recorded on the basis of the X-ray report of the left shoulder of the informant. This injury has been specifically attributed to co-accused Vinod Kumar who has already been granted privilege of anticipatory bail.

Learned A.P.P. has not shown any specific injury



attributed to petitioner no. 2.

In the given facts and circumstances of the case as noticed above, let the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Sirdala P.S. Case No. 445 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – VIth, Nawada, 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.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any



stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

