

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71431 of 2019

Arising Out of PS. Case No.-10 Year-2019 Thana- GHANSHYAMPUR District- Darbhanga

1. Ram Sewak Yadav Son of Late Moti Yadav Resident of Village and P.O.- Bhagaras, P.S.- Ghanshyampur, District - Darbhanga.
2. Sikander Yadav Son of Late Moti Yadav Resident of Village and P.O.- Bhagaras, P.S.- Ghanshyampur, District - Darbhanga.
3. Dasain Yadav Son of Late Moti Yadav Resident of Village and P.O.- Bhagaras, P.S.- Ghanshyampur, District - Darbhanga.
4. Lalit Yadav Son of Mahabir Yadav Resident of Village and P.O.- Bhagaras, P.S.- Ghanshyampur, District - Darbhanga.
5. Girija Yadav Son of Bhumi Yadav Resident of Village and P.O.- Bhagaras, P.S.- Ghanshyampur, District - Darbhanga.
6. Ghuran Yadav Son of Mahabir Yadav Resident of Village and P.O.- Bhagaras, P.S.- Ghanshyampur, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prafull Chandra Jha
For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

9 14-10-2020 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioners apprehend their arrest in connection with Ghanshyampur P.S. Case No. 10 of 2019 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 379, 504 and 506 of the Indian Penal Code.

At the very outset, learned counsel appearing for the



petitioners submit that co-accused namely, Shyam Yadav, Birendra Yadav@ Biran Yadav and Laxmi Yadav against whom, there is specific allegation of assault, have already been granted privilege of anticipatory bail by a co-ordinate Bench of this court vide order dated 07.09.2020 passed in Cr. Misc. No. 78310 of 2019. He further submits that so far as petitioners are concerned, there is omnibus and general allegation of assault by lathi. He further submits that there is case and counter case between the parties and as a matter of fact, both the parties sustained injury in the alleged occurrence.

On the contrary, learned Additional Public Prosecutor opposes the prayer for bail submitting that it is a serious case of 307 and several persons sustained injuries including grievous injury on the person and, therefore, petitioners do not deserve privilege of bail.

The record of Cr. Misc. No. 78310 of 2019 has been placed with this petition in compliance of order dated 06.10.2020.

Perusal of record of Cr. Misc. No. 78310 of 2019 goes to show that vide order dated 07.09.2020, some co-accused were granted privilege of anticipatory bail by a co-ordinate Bench of this Court. Although the order dated 07.09.2020 has not been



signed by the learned Judge but it is informed that the aforesaid order has already been pronounced and uploaded on website. It appears that due to present situation of pandemic Hon'ble Judge has digitally signed the aforesaid order.

Moreover, considering the aforesaid facts and circumstances as well as submissions of the parties and particularly, keeping in mind that no injuries said to be caused by hard and blunt substance were found on the injureds of this case, let the above named, petitioners, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Biraul Darbhanga in Ghanshyampur P.S. Case No. 10 of 2019 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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