

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63354 of 2019

Arising Out of PS. Case No.-136 Year-2019 Thana- PIRPAINTI District- Bhagalpur

1. Tetar Yadav S/o Late Ramdhani Yadav @ Late Ramdhari Yadav R/o village- Srimatpur, P.S.- Pirpainty, District- Bhagalpur
2. Vikash Yadav @ Bikesh Yadav S/o Tetar Yadav R/o village- Srimatpur, P.S.- Pirpainty, District- Bhagalpur
3. Jichhu Yadav Son of Baban Yadav R/o village- Srimatpur, P.S.- Pirpainty, District- Bhagalpur
4. Sarvan Yadav @ Sarvan Kumar Yadav Son of Baban Yadav R/o village- Srimatpur, P.S.- Pirpainty, District- Bhagalpur
5. Chhotelal Yadav Son of Baban Yadav R/o village- Srimatpur, P.S.- Pirpainty, District- Bhagalpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 05-03-2020 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners in the present case are seeking anticipatory bail in connection with Pirpainty P.S. Case No. 136 of 2019 registered for the offences punishable under Sections 147, 149, 323, 448, 307, 354(A), 504, 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that so far as petitioner nos. 1, 2 and 4 are concerned there is no allegation



of causing assault against them, the specific allegation of causing assault are against two co-accused Raja Yadav and Rakesh Yadav who are not the petitioners before this Court. So far as petitioner nos. 3 and 5 are concerned, though it is alleged that petitioner no. 3 had assaulted Ankit Kumaar on his head and hand and petitioner no. 5 had assaulted Manju Devi but neither Manju Devi nor Ankit Kumar have been medically examined and no injury report is available in the case diary which falsifies the allegations against them.

Learned A.P.P. for the State has after going through the case diary submitted before this Court that there is no injury report of Manju Devi and Ankit Kumar.

Considering the facts and circumstances of this case, wherein there is no allegation that petitioner nos. 1, 2 and 4 have caused any assault and further allegation that petitioner nos. 3 and 5 are not being substantiated/corroborated by the injury report as no injury report is there in the case diary, let the petitioners above named in the event of their arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XI, Bhagalpur in connection with Pirpainty



P.S. Case No. 136 of 2019, subject to the condition 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.

(Rajeev Ranjan Prasad, J)

vats/-

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