

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83256 of 2019

Arising Out of PS. Case No.-824 Year-2019 Thana- MADHEPURA District- Madhepura

1. RAM CHANDRA YADAV S/o Late Kuchai Yadav R/o village- Ball, Ward No. 02, P.S.- Ghailardh, District- Madhepura
2. Prabhash Kumar S/o Ram Chandra Yadav R/o village- Ball, Ward No. 02, P.S.- Ghailardh, District- Madhepura
3. Sub Narayan Yadav @ Shubh Narayan Yadav S/o Late Natay Yadav R/o village- Ball, Ward No. 02, P.S.- Ghailardh, District- Madhepura

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-01-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in this case are seeking anticipatory bail in connection with Madhepura (Ghailardh) P.S. Case No. 824 of 2019 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 379 of the Indian Penal Code.

Learned counsel for the petitioners submits that there is a case and a counter case, it will appear from the counter case which is Anneuxre '2' to the present application that at least seven persons from the petitioners' side also suffered injuries.

It is further submitted that although there are



allegations of assault against these petitioners but the allegation of assault against petitioner no. 1 is not corroborated from the injury report and so far as petitioner no. 2 is concerned, against him there is no allegation of causing assault on any vital part of the body.

Learned counsel for the State has opposed the prayer for anticipatory bail. It is submitted that so far as petitioners no. 1 and 3 are concerned, they were lashed with deadly weapon and repeatedly assaulted the informant's side. Learned Sessions Judge, Madhepura has while rejecting the prayer for anticipatory bail noticed the injury report of injured Ram Kumar Yadav showing that he had received three injuries on his person out of which he received two injuries on his head and all injuries have been caused by sharp cutting weapon.

Having heard learned counsel for the petitioners and learned APP for the State as also on perusal of the impugned order it appears that learned Sessions Judge has noticed three injuries on the body of injured Ram Kumar Yadav and all these injuries are said to have been caused by sharp cutting substance and those are simple in nature.

Considering the submission that the petitioner no. 1 is said to have assaulted the informant's son by an iron rod but the



injuries are said to have been caused by sharp cutting weapon as also that there is no specific allegation of assault against petitioner no. 2 on any vital part of the body, let in case of their (petitioner no. 1 and 2) arrest or surrender within a period of four weeks from today in Madhepura (Ghaiardh) P.S. Case No. 824 of 2019 be released on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura, 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.

So far as petitioner no. 3 is concerned, it is alleged that he was having a dagger and had assaulted on the head of the



son of the informant causing injuries and three injuries by sharp cutting substance have been noticed in the injury report as stated in the impugned order, this Court is not inclined to grant anticipatory bail to Sub Narayan Yadav @ Shubh Narayan Yadav (petitioner no. 3). His prayer for anticipatory bail is refused.

However, in case he surrenders and prays for regular bail before the learned court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the present order.

(Rajeev Ranjan Prasad, J)

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