

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85163 of 2019

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

1. UMESH YADAV Son of Late Sukai Yadav Resident of Village - Sangrampur Gopal, P.S.- Phulwaria, Distt.- Gopalganj.
2. Sunil Yadav @ Bhola @ Bhola Yadav Son of Udai Narayan Yadav Resident of Village - Sangrampur Gopal, P.S.- Phulwaria, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Singh

For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 02-09-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Vide order dated 17.03.2020, the application in respect of petitioner no. 2 is dismissed as withdrawn. Hence, the present application subsists only in respect of petitioner no. 1.

Heard learned counsel for the petitioner no. 1 and learned APP for the State.

The petitioner no. 1 is apprehending his arrest in a case registered under Sections 147, 148, 149, 341, 323, 324, 302 and 504 of the Indian Penal Code.



The prosecution case, in short, is that on the alleged date of occurrence, on the occasion of Mahaviri Akhara, while the father of the informant along with other brothers were playing 'Daga' at his door, the accused persons variously armed came there and started assaulting his father. On hulla, more persons came there and started abusing with brother of father of the informant. The informant's father sustained injuries in the said occurrence and became unconscious.

It has been submitted on behalf of the petitioner no. 1 that the petitioner no. 1 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner no.1. The petitioner no. 1 has falsely been implicated in the present case. General and omnibus allegation has been made against the petitioner no. 1. No specific overt act is alleged against the petitioner no. 1. As per the allegations made in the F.I.R., sharp edged weapon is said to have been used in course of occurrence but post-mortem report does not indicate any injury caused by sharp cut weapon. The allegation made in the F.I.R. is not corroborated by the post-mortem report. Other co-accuseds have been granted anticipatory bail bail vide orders dated 16.06.2020 and 19.06.2020 passed in Cr. Misc. Nos. 130 of 2020 and 1727 of 2020 respectively.



On behalf of the State, it is submitted that the petitioner no. 1 is named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner no. 1 above named, in the event of arrest or surrender before the learned Court below within a period of eight weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Phulwaria P.S. Case No. 198 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Once the normalcy is restored, the petitioner no. 1 shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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