

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 28630 of 2020**

Arising Out of PS. Case No.-234 Year-2019 Thana- ARA MUFFSIL District- Bhojpur

1. RAJAN KUMAR @ KARNAL YADAV S/o Badri Yadav Resident of Village-Daulatpur, Police Station-Ara Mufassil, District-Bhojpur.
2. Govinda Yadav @ Govinda Kumar S/o Gorakh Yadav Resident of Village-Daulatpur, Police Station-Ara Mufassil, District-Bhojpur.
3. Gorakh Yadav @ Sohan Yadav Resident of Village-Daulatpur, Police Station-Ara Mufassil, District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s Shiv Pd Gupta, Prabhat Kr Singh, Advocates
For the Opposite Party/s : Mr Abhay Kr No I, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **11-01-2021** Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners apprehend arrest in connection with Ara Mufassil Police Station (for brevity, *PS*) Case No 234 of 2019 instituted for the offence punishable under Sections 147, 148, 341, 323, 324, 448, 307 of Indian Penal Code.

Allegation is that the accused persons have assaulted the informant and his father. Specific allegation against petitioner No 3 is of assault by means of *Dab* (a sharp cutting weapon) whereas against petitioner No 2, it is submitted that there is no specific allegation and he is just a member of the



mob. In respect of petitioner No 3, it is submitted that there is allegation against him of assault by rod which does not stand corroborated in the injury report wherein only one sharp cut injury has been found on the father of the informant. It is further submitted that the petitioners have clean past.

Learned APP for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, prayer of petitioners No 1 and 2 for grant of anticipatory bail is allowed. In the event of surrender/arrest of petitioners No 1 and 2, named above, before the Court below, within four (04) weeks from today, they shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhojpur at Ara in Ara Mufassil PS Case No 234 of 2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the



address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

So far as prayer for anticipatory bail on behalf of petitioner No 3 above named is concerned, the same is rejected.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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