

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32873 of 2020

Arising out of PS. Case No.-121 Year-2020 Thana- BHANGWANPUR HAT District- Siwan

1. Abhay Kumar @ Pappu Yadav aged 30 years, Gender-Male, S/o Mainejar Yadav Resident of Village-Bhedawaliya, P.S.-Bhagwanpur Hat, District-Siwan.
2. Rahul Kumar aged about 18 years, Gender-Male, S/o Mainejar Yadav Resident of Village-Bhedawaliya, P.S.-Bhagwanpur Hat, District-Siwan.
3. Munna Kumar @ Munna Yadav @ Muna Kumar aged about 21 years, Gender-Male, S/o Vikrama Yadav Resident of Village-Bhedawaliya, P.S.-Bhagwanpur Hat, District-Siwan.
4. Rohit Kumar S/o Magister Yadav aged about 24 years, Gender-Male, Resident of Village-Bhedawaliya, P.S.-Bhagwanpur Hat, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 12-03-2021

Heard Mr. Ashok Kumar, learned counsel for the petitioners and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioners apprehend arrest in connection with Bhagwanpur Hat PS Case No. 121 of 2020 dated 03.06.2020, instituted under Sections 147/ 148/ 149/ 341/ 323/ 324/ 307/354/ 379/ 504 of the Indian Penal Code.

3. The petitioners are alleged to have assaulted the informant's side by *lathi* and *danda*.



4. Learned counsel for the petitioners submitted that the allegation is general and omnibus of assault by *lathi* and *danda* against the petitioners. Learned counsel submitted that the petitioners have no criminal antecedent. It was further submitted that there is a counter case and the dispute arose out of a cricket match between the parties. Learned counsel submitted that co-accused, Magister Yadav, Anup Kumar and Atak Kumar @ Mritunjay Kumar have been granted anticipatory bail by this Court by order dated 09.03.2021 passed in Cr. Misc. No. 31967 of 2020.

5. Learned APP submitted that the petitioners have also assaulted the informant's side. However, he could not controvert that some of the co-accused have been granted anticipatory bail by this Court.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate 1st Class, Siwan in Bhgwanpur Hat PS Case No. 121 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and



further (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that they shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

7. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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J. Alam/-

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