

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3096 of 2021

Arising Out of PS. Case No.-68 Year-2020 Thana- GAMAHARIYA District- Madhepura

1. HARINARAYAN YADAV S/O LATE GHUTAR YADAV RESIDENT OF VILLAGE- CHIKNI,TOLA JOGBANI, P.S-ITAHARI, DISTRICT-MADHEPURA.
2. MUKESH KUMAR @ MUKESH YADAV SON OF UMESH YADAV RESIDENT OF VILLAGE- CHIKNI,TOLA JOGBANI, P.S-ITAHARI, DISTRICT-MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-07-2021 Heard learned counsel for the petitioners and the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in a case registered under Sections 323, 324, 325, 354, 307, 379, 504, 506, 34 of the Indian Penal Code.

Allegedly, while the informant was constructing toilet on his land, the accused persons having armed came there and prevented from constructing the toilet and in furtherance thereof, the informant was assaulted on his head by iron rod as a



result of which, he sustained bleeding injury. When the informant's father and brother came to rescue, they were also assaulted.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. The injury on the side of the accused has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of Smt. Shurbhi Srivastava, learned Judicial Magistrate-Ist Class, Madhepura in connection with Gamharia P.S. Case No. 68 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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