

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58641 of 2021

Arising Out of PS. Case No.-115 Year-2020 Thana- ATRI District- Gaya

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1. Dilip Yadav @ Dilip Kumar Son Of Jagdish Yadav R/O Village- Bhithra, P.S.- Atri, District- Gaya
 2. Anil Yadav @ Anil Kumar Son Of Jagdish Yadav R/O Village- Bhithra, P.S.- Atri, District- Gaya
 3. Kamlesh Yadav @ Kamlesh Kumar Son Of Jagdish Yadav R/O Village- Bhithra, P.S.- Atri, District- Gaya
 4. Munarik Yadav @ Mundrika Yadav Babu Lal Yadav R/O Village- Bhithra, P.S.- Atri, District- Gaya
 5. Manu Kumar Son Of Anil Yadav R/O Village- Bhithra, P.S.- Atri, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed Asgher Najmi
For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-06-2022 Heard learned counsel for the petitioners and
learned APP for the State.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners are apprehending their arrest in connection with Atri P.S. Case No. 115 of 2020 registered under Sections 147, 148, 341, 323, 308, 379, 504 and 506 of the Indian Penal



Code.

Petitioner nos. 2, 3, 4 and 5, as per prosecution case, have indulged in assault and abusive language against the informant while he was carrying on construction of road. It is alleged, later on, that other three persons were caught, including petitioner no. 1, all of them together perpetrated assault and abusive language.

Learned counsel for the petitioner submits that based on allegations emerging from the FIR, it is obvious that the implication is based on dispute regarding construction of road. There is a counter version of the same case to be found in Atri P.S. Case No. 114/2020, wherein the instant prosecution parties have been made accused. There is no injury report to sustain the allegation of assault and the implication is false. All the petitioners are stated to be having no criminal antecedents.

Learned APP has opposed the prayer for bail.

Considering the rival submissions. Having regard to the nature of allegations arising out of dispute regarding construction of road as also the fact that there is no injury report to sustain their case and the clean antecedent of the petitioners, this Court would grant the petitioners the privilege of anticipatory bail.



Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIII, Gaya in Atri P.S. Case No. 115 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure as also subject to 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.

(Madhuresh Prasad, J)

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