

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61769 of 2021

Arising Out of PS. Case No.-60 Year-2021 Thana- PIRPAINTI District- Bhagalpur

1. Suresh Yadav Son of Chakku Yadav Resident of Village - Ramnagar, Gobindpur, P.S.- Pirpanti, District - Bhagalpur
2. Vikash Kumar Son of Suresh Yadav Resident of Village - Ramnagar, Gobindpur, P.S.- Pirpanti, District - Bhagalpur
3. Krishna Kumar Son of Suresh Yadav Resident of Village - Ramnagar, Gobindpur, P.S.- Pirpanti, District - Bhagalpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madan Mohan, Advocate.
For the Opposite Party/s : Mr.Uday Pratap Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-06-2022 Heard learned counsel for the parties.

Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

The petitioners seek anticipatory bail in connection with Pirpainty P.S. Case No. 60 of 2021 registered for the offences under Sections 147, 341, 323, 325, 448, 337, 307, 379, 504 and 506 of the Indian Penal Code.

The main allegation is that the present petitioners and co-accused persons entered into house of the informant and started abusing the prosecution party and thereafter at the



direction of petitioner no. 1 assaulted the informant and her son by using brick and iron rod.

The main submissions advanced by the learned counsel for the petitioners are that all the petitioners are family members and all of them have been made accused including two female members and there is no serious allegation against them.

Learned APP has opposed the prayer of bail petition.

Heard both sides and perused the FIR. As per the allegation petitioner no. 1 is alleged to have instigated co-accused, petitioner no. 2 who assaulted the informant at his head but the informant sustained injury at her hand and the petitioner no. 2 is also having the same nature of allegation and both the petitioners are alleged to have assaulted the prosecution party by means of brick and as per the above submissions, both the parties are relatives. Considering the aforesaid facts, let the petitioner nos. 1 & 2 above named, in the event of their arrest/surrender within four weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bhagalpur in connection with Pirpainty P.S. Case No. 60 of 2021, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

So far as the prayer of petitioner no. 3 is concerned as he is alleged to have assaulted the injured named Raja Kumar by using an iron rod on his head, considering the nature of said allegation the petitioner does not deserve anticipatory bail. Accordingly, his prayer for bail stands rejected.

The petitioner no. 3 is given liberty to surrender before the Court below and if he surrenders and makes prayer for regular bail before Court below within 15 days of this order then the learned Court below will decide his regular bail prayer without being prejudiced with this order.

(Shailendra Singh, J)

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