

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15847 of 2023

Arising Out of PS. Case No.-331 Year-2022 Thana- BAHERA District- Darbhanga

1. GHURAN YADAV S/O BUCHI YADAV R/o mohalla/village- Moti Pur,
P.S.- Bahera, District- Darbhanga
2. LAXMI YADAV S/O GHURAN YADAV R/o mohalla/village- Moti Pur,
P.S.- Bahera, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha, Advocate

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2023 Heard the parties.

The petitioners are apprehending arrest in connection with Bahera P.S. Case No. 331 of 2022 under sections 341, 323, 308 and 504 of the Indian Penal Code lodged on 22.07.2022 by the informant Bideshi Yadav.

The prosecution story, in brief, is that the informant alleged that accused petitioners armed variously arrived at the house of the informant and started abusing. On protest, the accused-petitioners assaulted the informant and when his sons came to save him, they were also assaulted.

Learned counsel for the petitioners submit that there is case and counter case in the matter, the accused version being



earlier one. Although the allegation of assault is there, the injuries have been found to be simple in nature and the same has been incorporated in para-10 of the petition.

Learned APP opposes the prayer for anticipatory bail.

Considering the fact that there is case and counter case and the injuries have been found to be simple in nature as stated in para-10, this Court is inclined to extend them the privilege of anticipatory bail. However, if it is found that the statement made in para-10 is wrong, the order shall become infructuous.

Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Benipur, Darbhanga, in connection with Bahera P.S. Case No. 331 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with other conditions too:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Ravi/Kiran

U		T	
---	--	---	--

