

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17295 of 2023

Arising Out of PS. Case No.-195 Year-2022 Thana- HALSI District- Lakhisarai

1. Pramod Yadav
2. Gago Kumar

Both Are S/O Suro Yadav @ Sudhi Yadav Resident Of Village- Pratap Pur,
P.S.- Halsi, District- Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mayank Bilochan, Advocate

For the Opposite Party/s : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Halsi P.S. Case No.195 of 2022 instituted under Sections 341, 323, 325, 307, 504, 506/34 of the IPC lodged on 13.07.2022 by the informant Upendra Yadav.

As per the prosecution story, informant submitted a written report to the S.H.O. Halsi P.S. Stating therein is that at about 04 P.M. informant was falling the paddy seeds in his field. In the meantime, four persons came and started abusing in filthy language stating that the field belongs to them. When the



informant opposed stating that the land belongs to them, Gago Kumar opened fire Suro Yadav gave order whereafter Gango Yadav assaulted with 'Khanti' on his head due to which he sustained head injury and fell down Pramod Yadav twice assaulted with spade making him unconscious. As his son Hareram Yadav raised hulla, he too was assaulted by them. As villagers came the accused persons retreated. Accordingly, the FIR.

It has submitted by the learned counsel for the petitioner the injury inflicted by petitioner no.1 was not grievous and without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner on its own would like to contribute towards the medical assistance of Rs. 15,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

From the FIR, it is clear that the petitioner no.2, Gago Yadav firstly opened and then assaulted by 'Khanti' on the head of the informant and as such his prayer for anticipatory bail is rejected.



So far as petitioner no.1, Pramod Yadav is concerned, taking into account the allegation of assault is not on vital part and he do not have criminal antecedent, this Court is inclined to grant him privilege of anticipatory bail, subject to payment of Rs.15,000/- as undertaken by him.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Halsi P.S. Case No.195 of 2022 to the satisfaction of learned Judicial Magistrate, Ist Class, Lakhisarai, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(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 will make themselves available to the police as and when required in course of investigation;

(iii) 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;

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

(v) 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;

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

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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