

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40485 of 2023

Arising Out of PS. Case No.-417 Year-2020 Thana- BAKHARI District- Begusarai

1. RUNA DEVI Wife of Ranjan Yadav Resident of village - Vijaylakh, ward no. 10, P.S. - Bakhri, Distt. - Begusarai
2. RAJA KUMAR @ RAJA YADAV Son of Ranjan Yadav Resident of village - Vijaylakh, ward no. 10, P.S. - Bakhri, Distt. - Begusarai
3. INDAL YADAV Son of Tuntun Yadav Resident of village - Vijaylakh, ward no. 10, P.S. - Bakhri, Distt. - Begusarai
4. SUNIL YADAV Son of Tuntun Yadav Resident of village - Vijaylakh, ward no. 10, P.S. - Bakhri, Distt. - Begusarai
5. GUPESHWAR YADAV @ GUPEWAR YADAV @ BHUPESHWAR YADAV @ GUPO YADAV Son of Adhiklal Yadav Resident of village - Vijaylakh, ward no. 10, P.S. - Bakhri, Distt. - Begusarai
6. BABLU YADAV Son of Gupeshwar Yadav @ Gupewar Yadav @ Bhupeshwar Yadav @ Gupo Yadav Resident of village - Vijaylakh, ward no. 10, P.S. - Bakhri, Distt. - Begusarai
7. TUNTUN YADAV Son of Bunilal Yadav Resident of village - Vijaylakh, ward no. 10, P.S. - Bakhri, Distt. - Begusarai
8. VIKRAM KUMAR Son of Bablu Yadav Resident of village - Vijaylakh, ward no. 10, P.S. - Bakhri, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

22 28-07-2023 Heard Mr. Shashank Shekhar, learned counsel for the

petitioners and Mr. Jitendra Kumar Singh, learned APP for the

State.

The petitioners are apprehending their arrest in

connection with Bakhri P.S. Case No. 417 of 2020 for the



offence under Sections 147, 148, 149, 323, 325, 307, 427, 504 and 506 of the I.P.C. lodged on 11.10.2020 by the informant, Nageshwar Yadav.

As per the prosecution story, the accused persons armed variously arrived and started abusing the informant side and further allegation is that while petitioner no. 2 pointed a pistol on his head, the petitioner no. 1 assaulted by *iron rod* on the head of the informant.

The further allegation is of assault to her daughter-in-law also. Accordingly, the F.I.R.

Learned counsel for the petitioners submit that though, the allegation has been made of assault on the head attributed to the petitioner no. 1, it can be presumed that there is no injury report inasmuch as the learned Sessions Judge has recorded in its order that despite ample time given by the Court, I.O. chose not to submit the injury report.

Learned APP opposes the prayer stating the petitioner no. 1 assaulted the informant on his head.

Considering the submissions put forward by the learned counsel for the petitioners as also that there is only allegation of pointing pistol on petitioner no. 2, so far as petitioner no. 1 is concerned, she is a lady, the injury report



is/was not forthcoming, despite the efforts of the learned Session Judge, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

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 Chief Judicial Magistrate, Begusarai, in connection with Bakhri P.S. Case No. 417 of 2020 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner 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 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;



(iv) 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)

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