

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47690 of 2022

Arising Out of PS. Case No.-462 Year-2021 Thana- BARACHATTI District- Gaya

1. TRILOKI YADAV Son of Mallu Yadav Resident of Village - Kahudag, P.s.- Barachatti, Distt.- Gaya.
2. Mallu Yadav Son of Late Soharai Yadav Resident of Village - Kahudag, P.s.- Barachatti, Distt.- Gaya.
3. Parmanand Yadav Son of Mallu Yadav Resident of Village - Kahudag, P.s.- Barachatti, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in connection with Barachatti P.S. Case No. 462 of 2021 for the offence registered under Sections 323, 341, 342, 307, 379, 504 and 506/34 of the Indian Penal Code.

As per the prosecution story, the informant has alleged that the accused persons armed variously attacked them and in the process allegation against the petitioner no. 2 is that he gave blow on the hand and leg of the informant's husband causing injury to him while allegation against the petitioner no.



2 is that he gave blow on the head of the informant.

Learned counsel for the petitioners submit that a perusal of the injury report would show that so far as the informant is concerned, the injury has been found to be simple in nature. Regarding the informant's husband, he concedes that although the other injuries are simple in fact so far as the right leg is concerned, the doctor found it to be grievous in nature. He further submits that irrespective of the result of the present petition in view of the fact that he got some injury, the petitioners are ready to pay Rs. 15,000/- toward his treatment cost to the informant's husband irrespective of the outcome of the present case. It is his last submission that there has also been counter case to the present incident in which the accused persons also sustained injuries. Lastly, it has been submitted that they do not have criminal antecedent.

Learned APP opposes the prayer for bail stating that the informant's side was assaulted by the petitioners.

Taking into account the fact that there is omnibus allegation against the petitioner no. 3, so far as petitioner no. 1 is concerned, the injury inflicted on the informant has been found to be simple in nature and with respect to the petitioner no. 2, he is 82 years of old having no criminal antecedent, this



Court is inclined to grant him relief subject to payment of Rs. 15,000/- as stated above through Bank draft issued by the local State Bank of India Branch to be deposited in the '*Nazarat*' of the trial which shall be cleared in favour of the informant after checking her credence.

Let the petitioners, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM, Sherghati, Gaya in connection with Barachatti P.S. Case No. 462 of 202, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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