

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56588 of 2022

Arising Out of PS. Case No.-197 Year-2022 Thana- DURAULI District- Siwan

1. Brajesh Yadav @ Brijesh Yadav Son of Suba Yadav Resident of Village - Chakri, Police Station - Darauli, District - Siwan.
2. Babalu Yadav @ Bablu Kumar Yadav Son of Suba Yadav Resident of Village - Chakri, Police Station - Darauli, District - Siwan.
3. Mantosh Yadav Son of Late Srikant Yadav Resident of Village - Chakri, Police Station - Darauli, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party

Appearance:

For the Petitioner/s	:	Mr. Raghav Prasad, Advocate
For the Opposite Party	:	Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-01-2023 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners apprehend their arrest in connection with Darauli P.S. Case No. 197 of 2022 for the offence registered under Sections 341, 323, 324, 379, 354, 307/34 of the Indian Penal Code.

As per the prosecution story, the informant alleged that his villagers variously armed assaulted the informant's side. The allegation is that petitioner no. 1 and accused Dablu Yadav attacked him causing head injury. The further allegation is that when his son, Raju Yadav came to rescue, the petitioner no. 2

also attacked him on his head followed by another assault by petitioner no. 3 Mantosh Yadav causing injury to him. When his other family members including wife and daughter-in-law came to rescue, they too were assaulted and subsequent allegation is of snatching of 'Mangalsutra' and outraging the modesty.

Mr. Raghav Prasad, learned counsel for the petitioner submits that it is a matter of case and counter case in which both sides have sustained injury, they do not have criminal antecedent and further irrespective of the outcome of the present case, considering that they are agnates and have alleged injury, they on their own would like to extend medical assistance of Rs. 20,000/- (twenty thousand) to Raju Yadav.

Learned counsel for the informant, on the other hand, submits that so far as petitioner no. 1 Brajesh Yadav @ Brijesh Yadav is concerned, he gave blow to the informant on the head which was found to be grievous in nature.

Considering the fact that the injury inflicted by the petitioner no. 1 Brajesh Yadav @ Brijesh Yadav has been found to be grievous in nature, this Court is not inclined to extend him the benefit of anticipatory bail which is accordingly rejected.

So far as petitioner no. 2 Babalu Yadav @ Bablu Kumar Yadav and also petitioner no. 3 Mantosh Yadav are concerned, considering that they do not have criminal antecedent the injury

on Raju Yadav have been found to be simple in nature, and ultimately they will face the trial, this Court is inclined to extend the privilege of anticipatory bail subject to payment of Rs. 20,000/- (twenty thousand) with conditions:-

(i) the petitioner(s) shall be visiting the concerned police station for next six months every fortnight.

(ii) the petitioner(s) shall co-operate in the investigation and made himself available to the police as and when required.

In the aforesaid circumstances the petitioner no. 2 and 3 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 S.D.J.M., Siwan in connection with Darauli P.S. Case No. 197 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

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