

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 59597 of 2023

Arising Out of PS. Case No.-221 Year-2020 Thana- BARACHATTI District- Gaya

1. RAMPRIT YADAV SON OF GANAURI YADAV RESIDENT OF VILLAGE- KATHAUTIYA TOLA BAHERA DIH,PS- BARACHATTI, DISTT- GAYA.
2. BRAJESH YADAV @ BRAJESH KUMAR @ BRAJESH SON OF GANAURI YADAV RESIDENT OF VILLAGE- KATHAUTIYA TOLA BAHERA DIH,PS- BARACHATTI, DISTT- GAYA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-10-2023 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Barachatti P.S. Case No. 221 of 2020 for the offence under sections 341, 323, 324, 427, 379 and 307/34 of the I.P.C. lodged on 25.04.2020 by the informant, Suresh Yadav.

3. As per the prosecution story, on 23.04.2023, the informant was making understand his son at his house, in the meantime, the accused/petitioners came and started abusing the informant and accused/petitioner Mahesh Yadav assaulted the informant with Tangi due to which the informant sustained head injury and when the brother-in-law of informant namely



Upendra Yadav came to save, the accused/petitioner Lakhan Yadav assaulted him with iron rod due to which he sustained head injury and became unconscious. The accused petitioners Mangar Yadav and Guddu Yadav climbed on the roof of his house and damaged the tile and also they were throwed the tile on his wife due to which wife of informant sustained cut injury on her lips and his daughter sustained cut injury on her cheek. Further, the accused/petitioners, namely Ramprit Yadav, Brajesh Yadav and Ashok Yadav stopped Karu Yadav on the way and started assaulting him. It is further alleged that the accused persons snatched his smartphone-and Rs.5000/-. Accordingly the FIR.

4. Learned Counsel for the petitioners submit that the main allegation is against Mahesh Yadav and Lakhan Yadav of having assaulted the informant as also Upendra Yadav causing injury on head. So far as these petitioners are concerned, allegation is that they assaulted Karu Yadav and as per the injury report (Annexure P/2) the same has been found to be simple in nature.

5. Learned APP opposes the prayer.

6. Taking into account the fact that the main allegation has come against Mahesh Yadav and Lakhan Yadav,



the injuries attributed to the petitioners have been found to be simple in nature and do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

7. Let the petitioners, above named, 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 Court of ACJM II, Sherghatti (Gaya), in connection with Barachatti P.S. Case No. 221 of 2020 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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.

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

(Rajiv Roy, J)

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