

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70905 of 2022

Arising Out of PS. Case No.-167 Year-2021 Thana- SINGHESHWAR District- Madhepura

1. RAM CHANDRA YADAV S/o Bechan Yadav R/v- Kataiya, P.S.- Singheshwar, District- Madhepura
2. PAWAN YADAV S/o Bechan Yadav R/v- Kataiya, P.S.- Singheshwar, District- Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Adv.

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in connection with Singheshwar P.S. Case No. 167 of 2021 instituted under Sections 147, 148, 149, 341, 323, 324, 325, 307, 427, 384 of the Indian Penal Code and Section 27 of arms Act.

As per the prosecution story, the informant alleged that the accused persons armed variously attacked the informant side and allegation is that accused Bimlesh Yadav opened fire which however did not hit the informant side. Further Prabhash, Subhash and Ram Chandra gave injuries to the 'dewar' of the informant and further allegation against Pawan Yadav is that he



gave 'dabia' blow to the father-in-law of the informant.

Accordingly, the FIR.

Learned counsel for the petitioners submit that both are employed in Delhi serving as Electricians, do not have criminal antecedents and further a perusal of the FIR would show that each and every member of the family have been roped in, he as such prays that both the petitioners are entitled for relief.

Per contra, learned APP has drawn the attention of this Court to the injuries suffered by the 'dewar', Ravindra Yadav in which the Doctor has opined the same to be grievous in nature and he as such oppose the prayer for anticipatory bail, so far as the petitioner No. 1, Ram Chandra Yadav is concerned. Regarding petitioner No. 2, Pawan Yadav, he concedes that the injuries inflicted upon the father-in-law namely, Ashok Yadav have been opined to be simple in nature.

Taking into account the aforesaid facts as also the fact that the injury to Ravindra Yadav has been found to be grievous in nature, no relief can be extended to petitioner No. 1, Ram Chandra Yadav and his anticipatory bail is rejected.

So far as the petitioner No.2, Pawan Yadav is concerned, taking the same yardstick that the injury of father-in-



law has been found to be simple in nature, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner No.2, Pawan Yadav be released on bail, in the event of his arrest or surrender before the subordinate court 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 the like amount each in connection with Singheshwar P.S. Case No. 167 of 2021 to the satisfaction of learned Chief Judicial Magistrate, Madhepura, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with further conditions :

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his



attendance;

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

(Rajiv Roy, J)

Ajay Singh/-

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