

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64722 of 2023

Arising Out of PS. Case No.-201 Year-2023 Thana- BARHARA District- Bhojpur

1. AMAR YADAV @ AMAR NATH YADAV @AMAR SON OF VIKAS DAYAL YADAV RESIDENT OF VILLAGE - HAJARI KE TOLA, P.S. - KHAWASPUR O.P., DISTRICT - BHOJPUR AT ARA
2. UMESH YADAV SON OF DHANJI YADAV RESIDENT OF VILLAGE - HAJARI KE TOLA, P.S. - KHAWASPUR O.P., DISTRICT - BHOJPUR AT ARA
3. RAHUL YADAV SON OF PITAMBER YADAV RESIDENT OF VILLAGE - HAJARI KE TOLA, P.S. - KHAWASPUR O.P., DISTRICT - BHOJPUR AT ARA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh, Advocate
For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 29-02-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Barhara (Khawaspur O.P.) P.S. Case No. 201 of 2023 instituted under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code lodged on 9.4.2023 by the informant, Rukmani Devi.

3. As per the prosecution story, the informant alleged that while she was sitting outside her house, the accused persons came variously armed and assaulted. Allegation against Rahul Yadav is of assaulting with 'lathi' and as her son, Bijendra Yadav



came to rescue, Amar Yadav assaulted on his head by 'Dab' causing injury. He also assaulted on his leg. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that so far as the assault made by Rahul Yadav is concerned, the same has been found to be simple in nature. So far as the case of Amar Yadav is concerned, the opinion has been reserved and as such it cannot be said that it was grievous. None of them have criminal antecedents.

5. Learned APP opposes the prayer stating that the lady was sitting outside her house who was assaulted.

6. Considering the submission put forward by the parties as also they do not have criminal antecedents, injuries on the lady has been found to be simple, there is no injury report with regard to the assault made by Amar Yadav, FIR lodged , they will be facing the trial, this Court is inclined to extend them privilege of anticipatory bail.

7. Let the petitioners be released on bail, in the event of their 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 Barhara (Khawaspur



O.P.) P.S. Case No. 201 of 2023 to the satisfaction of learned Judicial Magistrate, Bhojpur at Ara subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(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 co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) 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;

(vi) 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.

(Rajiv Roy, J)

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