

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67776 of 2024

Arising Out of PS. Case No.-182 Year-2024 Thana- BRAHMPUR District- Buxar

Birendra Yadav Son of Fagu Yadav R/O Vill.- Dhanchhapra, P.S.- Brahampur,
Dist.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 69079 of 2024

Arising Out of PS. Case No.-182 Year-2024 Thana- BRAHMPUR District- Buxar

Sanjay Yadav Son of Nanhakoo Yadav Resident of Village - Dhanchapra, P.S.-
Brahampur, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 67776 of 2024)
For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP
(In CRIMINAL MISCELLANEOUS No. 69079 of 2024)
For the Petitioner/s : Mr. Anil Kumar Roy, Advocate
For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-10-2024 Heard Dr. Kamal Deo Sharma in Cr. Misc. No.

67776 of 2024 and Mr. Anil Kumar Roy in Cr. Misc. No. 69079

of 2024 and learned APPs appearing on behalf of the State.

2. The petitioners are apprehending their arrest in
connection with Brahmpur P.S. Case No. 182 of 2024 for the
offence under Sections 147,148, 149, 452, 354, 325, 504, 506



and 307 of the Indian Penal Code lodged on 09.04.2024 by the informant, Subhanti Devi.

3. It is the case of the petitioners that armed variously, the accused persons entered the house of the informant, Satendra Yadav abused and caught hold of her hair while the other accused persons assaulted her husband and son, specific allegation is against Kamlesh Yadav of having fractured the hand of the informant while the petitioners herein assaulted her husband and son on the head causing injuries.

4. Learned counsel for the petitioners submit that a perusal of the F.I.R. would show that the hand that has been fractured of the informant has been found to be grievous in nature. Though allegation of assault is against these two petitioners, the same have been found to be simple in nature. The two petitioners do not have criminal antecedents either. Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner(s) on its own would like to contribute towards the medical assistance of Rs.5,000/- each totalling Rs.10,000/- through Demand Draft issued by the local State Bank of India to be submitted before the 'NAZARAT of concerned Court to be handed over to the



informant after checking the credentials.

5. Learned APP opposes the prayer submitting that they too have assaulted though main allegation is against Kamlesh Yadav.

6. Taking into account the fact that the injuries have been found to be simple in nature so far as father and son are concerned, specific allegation is against the Kamlesh Yadav, both the petitioners do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs. 5,000/- each totalling Rs.10,000/- as undertaken by the learned counsel for the petitioners to be paid to the informant by Demand Draft of local State Bank of India to the Trial Court.

7. Let the petitioners 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 Chief Judicial Magistrate, Buxar, in connection with Brahmpur P.S. Case No. 182 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family



member/relative 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 his/her bail bond by the Trial Court itself;

(iii) 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;

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

(Rajiv Roy, J)

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