

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21968 of 2015

Arising Out of PS.Case No. -102 Year- 2014 Thana -BHORE District- GOPALGANJ

1. Arbind Yadav. Son of Amarjit Yadav. Resident of village - Sirisiya,
P.O.- Bhorey, District - Gopalganj.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

with

Criminal Miscellaneous No.23656 of 2015

Arising Out of PS.Case No. -102 Year- 2014 Thana -BHORE District- GOPALGANJ

1. Durgesh Yadav son of Amarjit Yadav resident of village- Sirisiya, P.S.
Bhorey, District Gopalganj.

... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.21968 of 2015)

For the Petitioner : Mr. Suresh Prasad Bhakta

For the Opposite Party : Mr. Gajendra Pd. Yadav(App)

(In Cr.Misc. No.23656 of 2015)

For the Petitioner : Mr. Suresh Prasad Bhakta

For the Opposite Party : Mr. Nawal Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-06-2015 Heard learned counsels for the petitioners and
the State.

Petitioners are apprehending their arrest in a
case registered for the offences punishable under Sections
302/34 of the Indian Penal Code.

The informant claims to have seen F.I.R named
accused persons including the petitioners and two unknown
persons making assault to the son of the informant with knife,

farsa and iron rod.

It is submitted by learned counsel for the petitioners that though petitioners were named in the First Information Report with specific accusation but they were not sent up for trial but differing with the final form, cognizance has been taken. Co-accused Baij Nath Yadav and Manager Yadav who were not named in the First Information Report have been granted anticipatory bail vide Cr. Misc. No. 7317 of 2015 whereas Muni Lal Yadav against whom it is alleged that victim boy had illicit relation with his daughter has been granted regular bail vide Cr. Misc. No. 6640 of 2015.

It is submitted by learned counsel for the informant that petitioners were named in the First Information Report as well as in the protest petition. Though it is error on record in the order granting bail to Baij Nath Yadav and Manager Yadav that they were not named in the protest petition.

Considering the specific accusation in the First Information Report where the informant claims to be the eye witness, this Court is not inclined to grant anticipatory bail to the petitioners. However, in view of the fact that during investigation the accusation has not been found true against the petitioners and other co-accused Muni Lal Yadav has been granted regular bail, let learned Court below consider the prayer for regular bail of the petitioners, if the petitioners

surrender within a period of six weeks in connection with Bhorey P.S. Case No. 102 of 2014, pending in the Court of learned Judicial Magistrate, 1st Class, Gopalganj.

With the observations above, the application stands disposed off.

(Dinesh Kumar Singh, J)

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