

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36390 of 2014

Arising Out of PS.Case No. -22 Year- 2014 Thana -HULASGANJ District- JEHANABAD

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1. Gobardhan Yadav
2. Luchi Yadav
Both sons of Late Jagdish Yadav
3. Bablu Yadav Son of Janardan Yadav
4. Manohar Yadav, Son of Ganaur Yadav
All residents of village - Nirmani Math, P.S. - Hulasganj, District -
Jehanabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Kumari Sujata Sinha, Advocate.
For the Opposite Party/s : Mr. A.L.Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 20-02-2015

Heard learned counsel for the parties.

Having regard to the fact that the petitioners are facing prosecution for offence under Sections 307, 341, 342, 354, 379, 504/34 of the Indian Penal Code and under Section 27 of the Arms Act and has cut out a defence that not only they have got no criminal antecedent but also it is a case of counter version of the same occurrence and that in the alleged occurrence no one has sustained any injury of fire arm as well as the parties have entered into compromise, this Court can only reiterate the finding and repeat order of the learned Sessions Judge, who, while rejecting the prayer of anticipatory bail of the petitioners, had directed the petitioner to surrender within a period of 15 days and make prayer

for regular bail. As a matter of fact, had the petitioners surrendered in terms of the direction given by the Sessions Judge in 2014, the matter could have been now definitely decided one way or the other and probably in favour of the petitioners because of the favourable observations made by the Sessions Judge.

In that view of the matter, while this Court is not inclined to grant anticipatory bail to the petitioners, nothing said in this order, however, shall come in the way of the petitioners to comply the direction of the Sessions Judge and if, in fact, they do so, the court below shall consider all these issues, as observed hereinabove, while considering the prayer of regular bail of the petitioners.

With the aforesaid observations and directions this application is disposed of.

(Mihir Kumar Jha, J)

Sujit/-

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