

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49500 of 2015

Arising Out of PS.Case No. -109 Year- 2015 Thana -DURAULI District- SIWAN

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1. Anil Kumar Upadhyay @ Anil Upadhyay, Son of Late Janardan Upadhyay
 2. Vyas Upadhyay @ Vinayak Upadhyay, Son of Late Harihar Upadhyay
 3. Lalan Upadhyay @ Lallan Upadhyay, Son of Late Balmiki Upadhyay
 4. Param Hans Upadhyay @ Prabhansh Upadhyay, Son of Late Balmiki Upadhyay

All Resident of Village - Gosopali, Darauli, P.O.- Gauri, P.S.- Darauli,
District – Siwan

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 03-11-2015

At the outset, it is stated that during pendency of the application petitioner no. 2 Param Hansh Upadhyay @ Prabhansh Upadhyay has been arrested and, hence, his application for anticipatory bail have become infructuous.

In that view of the matter, the application as far as the petitioner no. 4 Param Hansh Upadhyay @ Prabhansh Upadhyay is concerned, is dismissed as infructuous.

So far as the other three petitioners are concerned,

they seek pre-arrest bail in connection with Darauli P.S. Case No. 109/2015 registered under Sections 147, 148, 149, 341, 324, 307, 379 and 504 of the Indian Penal Code.

It is contended that there is no truth behind the allegations made in the FIR. Petitioners no. 1 and 2 have also lodged an FIR being Darauli P.S. Case No. 110 of 2015 dated 24.06.2015 under Sections 147, 148, 149, 341, 323, 307 and 504 of the Indian Penal Code against the informant and other members of the prosecution party as the petitioners were beaten up by the members of the prosecution party for which they were medically examined in Primary Health Centre, Darauli, Siwan. The further contention is that Title Suit No. 849 of 2012 is pending before the learned Sub-Judge-I, Siwan between the parties. It is also submitted that petitioner no. 2 is aged about 85 years whereas petitioner no. 3 is aged about 75 years.

Learned APP for the State has opposed the application filed on behalf of the petitioner for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, in the event of arrest or surrender in the court below within six weeks from today, the petitioners no. 1 to 3, namely, Anil Kumar Upadhyay @ Anil Upadhyay, Vyas Upadhyay @ Veyash

Upadhyay and Lalan Upadhyay @ Lallan Upadhyaya are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Darauli P.S. Case No. 109 of 2015 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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