

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38911 of 2014

Arising Out of PS.Case No. -20 Year- 2014 Thana -LODIPUR District- BHAGALPUR

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1. Gautam Mandal S/o Ranbir Singh
 2. Sushil @ Sunil Yadav S/o Late Budhan Yadav Both are Resident of Village Basantpur.
 3. Gaja Yadav S/o Pradeep Yadav
 4. Karu Yadav S/o Pradeep Yadav Both are Resident of Village Basantpur Khurd. All are P.S. Lodipur, District Bhagalpur.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ranjan Kumar Jha, Advocate.

For the Opposite Party : Mr. Nirmala Kumari(APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 03-04-2015 Heard learned counsel for the petitioners as well as learned counsel for the State.

In this case petitioner no.3 Gaja Yadav has already been arrested and as such prayer has been made to withdraw this application as against him.

Prayer is allowed and this application as against petitioner no.3 is dismissed as withdrawn.

In this application for anticipatory bail the petitioners except petitioner no.3 apprehend their arrest for the offences punishable under sections 147, 148, 149, 323, 324, 387, 307, 427, 379, 448, 504 and 506 of the I.P.C.

At the very outset it has been submitted that though the petitioners are named in the FIR but after completing investigation the allegation has not been found true and they have not been sent up for trial (vide Annexure-2), but the learned court below after differing with the opinion of the investigating officer has taken cognizance and as such the petitioners are apprehending their arrest. It has also been submitted that other co-accused have already been allowed regular bail by the learned Sessions Judge vide B.P. No. 694 of 2014 (Annexure-3), and as such the petitioners deserve sympathetic consideration, to which the learned A.P.P. does not dispute.

In the facts and circumstances as stated above, petitioner nos. 1, 2 and 4, namely, Gautam Mandal, Sushil @ Sunil Yadav and Karu Yadav, in case of their arrest or surrender within two months from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of. Sri S.B. Kumar, J.M., Bhagalpur in Lodipur P.S. Case No. 20 of 2014, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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