

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13979 of 2016

Arising Out of PS.Case No. -378 Year- 2011 Thana -BANKA District- BANKA

- =====
1. Jhaldeo Yadav , son of Panchu Yadav.
 2. Luto Yadav, Son of Foudi Yadav.
 3. Mahavir Yadav, Son of Foudi Yadav.
 4. Raj Kumar Yadav, Son of Thano Yadav.
 5. Budhu Yadav @ Buddu Yadav, son of Panchu Yadav.
 6. Mannu Yadav, Son of Mangar Yadav. All are resident of Village-
Bhadariya, P.S. Banka, District- Banka.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. A.M.P. Mehta (App)

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 05-05-2016 Heard learned counsel for the petitioners and the learned
Addl. Public Prosecutor, appearing on behalf of the State.

This application for grant of anticipatory bail arises out
of Banka P.S.Case No. 378/2011, disclosing offences under
sections 341, 323, 452, 302/34 of the Indian Penal Code and 3, 4,
5 of the Explosive Substances Act and 27 of the Arms Act.

This application, so far it relates to petitioners no. 3 and
6, has already been dismissed by the order of this Court dated
11.4.2016 since they have been arrested by the police.

There is an allegation that co-accused Pradeep Yadav
dragged the daughter of the informant, Kukma Kumari, from the



informant's hut and killed her by throwing bomb. There is general and omnibus allegation against the other accused persons including these petitioners of assaulting the informant and other family members. In compliance of this Court's order, the case diary of the said case has been made available.

It is submitted on behalf of the petitioners that there is no allegation of any overt act against these petitioners leading to death of the deceased. He further submits that no injury report has been prepared with respect to the informant and his family members, who were allegedly assaulted by the petitioners. He further submits that the injury on the deceased, Kukma Kumari, has been found to be postmortem, which falsifies the prosecution version. He has also submitted that the petitioners have been maliciously implicated because of land dispute, as is evident from the First Information Report also. All the petitioners belong to the same family, who have no criminal antecedent.

Considering the above, this application is allowed.

Let petitioners no. 1, 2, 4 and 5, abovenamed, in the event of their arrest/ surrender before the court below within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate,

Banka in Banka P.S.Case No. 378/2011, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

This is subject to the condition that petitioners no. 1, 2, 4 and 5 shall present themselves before the police/ court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Surendra/-

U			
---	--	--	--