

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13483 of 2016

Arising Out of PS.Case No. -1728 Year- 2014 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

- =====
1. Domi Yadav son of Taranand Yadav
 2. Sanjay Yadav son of Rajdip Yadav
 3. Pramod Yadav son of Late Udit Yadav @ Mukhtar Yadav
 4. Chandan Yadav Son of Rajdip Yadav
 5. Rajdeep Yadav son of Late Jagdambi Yadav.
 6. Subhadra Devi, wife of Rajdip Yadav
 7. Anokha Devi, wife of Pramod Yadav
 8. Taranand Yadav son of Late Jai Kishun Yadav,
- All are residents of Village- Sabaila, Via-Mathahi,
P.S.- Sour Bazar, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gulab Devi, wife of Vidyanand Yadav, resident of Village- Sabaila, P.O-
Dhanchhoha, Via- Mathahi, P.S.- Sour Bazar, District- Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. B.N.P.Singh, Advdocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 12-04-2016 Heard the parties.

The petitioners apprehend their arrest in a criminal prosecution, based on a complaint petition, for offences under Sections 147, 323, 341 and 506 of the Indian Penal Code as also under Section 3/4 of The Prevention of Witch Practices Act, 1999.

The learned counsel appearing on behalf of the petitioners submits that altogether 13 persons are named in the complaint petition vide Annexure-1 and the main allegation of assault is against co-accused Parasmine Devi and altogether five co-accused including co-accused Parasmine Devi have already been granted anticipatory bail by a co-ordinate Bench of this Court by order dated 09.02.2016 passed in Cr.Misc.No. 6284 of 2016 (Annexure-2).

The learned Addl.P.P. appearing on behalf of the State does not dispute the aforesaid submissions made by the learned counsel appearing on behalf of the petitioners.

Taking into consideration the fact that co-accused persons have been granted anticipatory bail by a co-ordinate Bench by order dated 09.02.2016 and also taking into consideration the fact that the petitioners are said to be the first offenders, this Court is inclined to accede to the prayer made on behalf of the petitioners for grant of anticipatory bail.

In the event of their arrest or surrender in the court below within a period of four weeks from today, let the above named eight petitioners be released on bail on furnishing bail bonds of Rs.10,000/-(Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Lalanjee, Judicial Magistrate, 1st Class, Saharsa in connection with Complaint Case No. 1728C/2014, subject to the conditions laid down under Section 438 (2) of the Cr.P.C. and subject to the further conditions that :

- (A) one of the bailors must be a government servant or a close family member of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (B) if the petitioner is found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving an opportunity of hearing to all concerned, and
- (C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi,

then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

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