

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31319 of 2016

Arising Out of PS.Case No. -43 Year- 2000 Thana -NIRMALI District- SUPAUL

- =====
1. Balkrishna Yadav, son of Asharfi Yadav.
 2. Rambilash Yadav, son of Laxman Yadav.
- Both are resident of Village- Domuhan, P.S.- Nirmali, District- Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

3 20-08-2016 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Nirmali P.S. Case No.43 of 2000/G.R. No.449 of 2000 registered under Sections 147, 148, 149, 380, 341, 323, 448, 307 and 504 of the Indian Penal Code besides Section 27 of the Arms Act and Sections 3/4 of the Explosive Substance Act, pending in the court of the S.D.J.M., Birpur (Supaul).

The accusation is that 39 persons, named in the F.I.R., including the petitioners and 200 unknown persons surrounded the house of the informant and started firing. In that course, they also took away the household articles including ornaments from there,

and caused injuries to five persons.

Learned counsel appearing on behalf of the petitioners submits that after investigation, police submitted the final form against the petitioners but on going through the materials, available in the case diary, learned Magistrate took the cognizance of the offence against the petitioners also on 17.05.2003 and, thereafter, on 20.02.2016, warrant of arrest was issued against the petitioners. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioners, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer of the petitioners for grant of anticipatory bail stands rejected. However, the petitioners are directed to surrender before the court below within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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