

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.48215 of 2015**

Arising Out of PS.Case No. -11 Year- 2015 Thana -MAIGRA District- GAYA

- =====
1. Pramod Kumar Yadav @ Binod Yadav @ Binod Kumar Yadav
  2. Mahendra Yadav Both sons of Motu Yadav @ Bhola Yadav
  3. Surajdeo Yadav alias Suryadeo Yadav son of Dwarika Yadav,  
All residents of Village - Chandariya, Police Station - Maigra, District –  
Gaya.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Pranid Kumar Singh

For the Opposite Party/s : Mr. Vinod Shankar Modi, APP

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

2      12-02-2016

Heard.

These three petitioners apprehend their arrest in a criminal prosecution registered under Sections 307/34 and some other allied offences under the Indian Penal Code.

Taking into consideration the fact that the petitioner no.1- Pramod KumarYadav @ Binod Yadav @ Binod Kumar Yadav is specifically alleged to have assaulted the sister of the informant on her head by brick, as a result of which she is said to have sustained grievous injury on her person, this Court is not inclined to accede to the prayer made on behalf of the petitioner no.1 Pramod KumarYadav @ Binod Yadav @ Binod Kumar Yadav for grant of anticipatory bail to him. Accordingly, his prayer for anticipatory bail in connection with Maigra P.S. Case No. 11 of 2015 pending in the Court of the learned Sub-Judicial Magistrate, Sherghati, is rejected.

However, if the petitioner No.1 surrenders in the court below within a period of four weeks from today and applies for

regular bail, then the same shall be considered and decided on its own merit without being prejudiced by the present order.

So far the petitioner no.2 and 3, namely Mahendra Yadav and Surajdeo Yadav alias Suryadeo Yadav are concerned, taking into consideration the fact that the allegation against them are general and omnibus in nature and the injuries sustained by the injured person on account of assault made by them are said to be simple in nature, this Court is inclined to accede to the prayer for grant of anticipatory bail made on behalf of the petitioner no. 2 and 3.

In the event of their arrest or surrender in the Court below within a period of four weeks from today, let the petitioner no.2 and 3, namely Mahendra Yadav and Surajdeo Yadav alias Suryadeo, respectively be enlarged on bail on furnishing bail-bonds of Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of the learned Sub-Judicial Magistrate, Sherghat in connection with Maigra P.S. Case No. 11 of 2015 subject to the conditions laid down under Section 438(2) Cr. P.C and subject to the further conditions that:

(A). One of the bailors must be government servant or close family member of the petitioners, who will file an affidavit in the Court below showing his relationship with the petitioners,

(B). if the petitioners are 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 the bail of the petitioners, 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 petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every dates, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioners.

**(Birendra Prasad Verma, J)**

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