

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40978 of 2016

Arising Out of PS.Case No. -168 Year- 2016 Thana -KADAMKUAN District- PATNA

=====

1. Om Prakash Yadav Son of Late Ganga Gope
2. Roshan Kumar
3. Deepak Kumar
2 and 3 are Son are Om Prakash Yadav,
All are resident of Mohalla- Bakarganj, Phalwan Gali, P.S. Kadamkuan,
District-Patna
4. Arvind Yadav @ Arvind Kumar Yadav, Son of Om Prakash Singh
Resident of Village-Parsa, P.S.-Naubatpur, District-Patna

..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Lalan Kumar
For the Opposite Party/s : Mr. Tapeswar Sharma

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 26-09-2016 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Kadam Kuan Police Station Case No. 168 of
2016, disclosing offences under Sections 341/323/379/
504/34 of the Indian Penal Code.

The petitioner nos. 1, 2 and 3 belong to the
same family inasmuch as petitioner nos. 2 and 3 are sons
of petitioner no. 1. The petitioner no. 4 is said to be the
brother-in-law of petitioner no. 1.

Learned Counsel appearing on behalf of the
petitioners has submitted that the informant wants to settle



his score with the petitioners because of pending litigations with them. He has submitted that prior to lodging of the present First Information Report, wife of petitioner no. 1 had lodged complaint case in the year 2010, on the basis of which the Court had taken cognizance and summons has been issued to the present informant. It has also been submitted that petitioner nos. 1, 2 and 3 and the informant are next door neighbours and there is some dispute over passage between them. It has also been submitted that in any event, since the petitioners are not likely to flee away from the course of investigation or trial, no tangible purpose would be served if they are taken into custody in connection with the present case.

Learned Counsel appearing on behalf of the informant has vehemently opposed the prayer for bail and has submitted that considering the nature of allegation, the petitioners do not deserve the privilege of anticipatory bail.

However, considering the nature of accusation and the genesis of occurrence, which is evident from the materials on record, I am inclined to grant the petitioners privilege of anticipatory bail.

This application stands accordingly allowed.

Let the petitioners, namely, Om Prakash Yadav, Roshan Kumar, Deepak Kumar and Arvind Yadav @ Arvind

Kumar Yadav, in the event of their arrest or surrender before the Court below within six weeks, 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 learned Chief Judicial Magistrate, Patna, in connection with Kadam Kuan Police Station Case No. 168 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners 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.)

Prabhakar Anand/-c

U	✓	T	✓
---	---	---	---