

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38355 of 2016

Arising Out of PS.Case No. -53 Year- 2014 Thana -KIHIRI MORE District- PATNA

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1. Vijay Yadav Son of Late Chaneshwar Yadav
 2. Pramod Yadav Son of Vijay Yadav
 3. Vakil Yadav Son of Late Sanjay Yadav @ Dukhan Yadav
 4. Awadhesh Yadav Son of Late Bhutali Yadav , All resident of Village - Kauri, P.S. - Khiri More, District - Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha

For the Opposite Party/s : Mr. Sri Satyavarat Verma

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2 17-09-2016 Heard Sri Ashok Kumar Sinha, learned counsel for the petitioners and Sri Satyavrat Verma, learned Additional Public Prosecutor.

Four petitioners, apprehending their arrest in Khiri More P.S. Case No. 53 of 2014 registered for the offence under Section 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code, have prayed for grant of bail in the event of their arrest or surrender.

It was submitted by learned counsel for the petitioners

that on perusal of the F.I.R. itself it is evident that land dispute in between the parties was existing and in the present occurrence there was case and counter case in between the parties. From the petitioners' side also relating to the same occurrence an F.I.R. was lodged vide Khiri More P.S. Case No. 54 of 2014. He further submits that injuries which have been alleged were found simple in nature and as such there is no question of application of Section 307 of the Indian Penal Code. So far allegation of Section 379 of the Indian Penal Code is concerned, he submits that on perusal of the F.I.R. itself it appears that it has been exaggerated.

Sri Satyavrat Verma, learned Additional Public Prosecutor has opposed the prayer for bail.

However after hearing learned counsel for the parties and considering the materials available on record particularly the fact that there was case and counter case in between the parties and nature of accusation, the court is of the opinion that it is a fit case for extending the privilege of anticipatory bail. Accordingly in the event of arrest or surrender within a period of six weeks from today, let the four petitioners Vijay Yadav, Pramod Yadav, Vakil Yadav and Awadhesh Yadav be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each

with two sureties of the like amount each to the satisfaction of Sri Piyush Kumar Srivastava, learned Additional Chief Judicial Magistrate – III, Danapur, District -Patna / concerned court in connection with Khiri More P.S. Case No. 53 of 2014 subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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