

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48802 of 2016

Arising Out of PS.Case No. -205 Year- 2014 Thana -GHOSI District- JEHANABAD

- =====
1. Binay Yadav Son of Rameshwar Yadav
 2. Harendra Yadav Son of Rameshwar Yadav
 3. Rameshwar Yadav Son of Late Sree Yadav

All residents of Village- Langari Sarai, P.S.- Ghosi, District-
Jehanabad.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 06-12-2016 Heard Sri Umesh Kumar, learned counsel for the
petitioners and Sri (Dr.) Ajeet Kumar, learned Addl. Public
Prosecutor.

Three petitioners, apprehending their arrest in
Ghosi P.S. Case No. 205/2014 registered for the offence under
Sections 341, 323, 325, 307/34 of the Indian Penal Code, have
prayed for grant of anticipatory bail, primarily on the ground that
though the petitioners were named accused in the F.I.R. along with
others, the police after investigation submitted final report
showing innocence so far as petitioners are concerned, whereas
chargesheet was submitted against other accused. Thereafter, the
learned Magistrate has taken cognizance against petitioners also.



He has further relied on Annexure-5 to the present petition to show that two accused persons, namely, Phuleshwar Yadav @Kauleshwar Yadav and Nawal Yadav, who were forwarded as accused in the chargesheet, have been granted privilege of anticipatory bail.

Learned Addl. Public Prosecutor has opposed the prayer for anticipatory bail of the petitioners.

However, considering the fact that the accusation against the petitioners by the statutory investigating agency was not found true and they were not forwarded as accused and subsequently they have been made accused after order of cognizance as well as the fact that at least one of the co-accused, against whom chargesheet was submitted, has been extended the privilege of anticipatory bail vide Cr.Misc.No.6994 of 2014, there is no reason to deny the same privilege to the petitioners. Accordingly, let the aforesaid three petitioners, namely, (i) Binay Yadav (ii) Harendra Yadav and (iii) Rameshwar Yadav, in the event of their arrest or surrender within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Ghosi P.S. Case No.205/2014, subject to



conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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