

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11724 of 2016

Arising Out of PS.Case No. -1 Year- 2016 Thana -ARWAL District- JEHANABAD

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1. Dhananjay Yadav @ Dhanjay Yadav, Son of Lal Babu Yadav
2. Lal Babu Yadav, Son of Parmeshwar Singh
3. Manish Kumar, Son of Jitendra Yadav
All above Residents of Village- Rojapar, Police Station- Arwal, District-
Arwal.

.... Petitioner/s

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. Ambika Bhagat, (Spl.P.P.)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 18-03-2016

Heard.

The petitioners apprehend their arrest in a criminal prosecution registered under Section 307 and some other allied offences under the Indian Penal Code as also under Section 3(1)(x) and (xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short 'Act') besides the offence under Section 27 of the Arms Act.

Learned counsel appearing on behalf of the petitioners submits that, on plain perusal of the FIR vide Annexure-1, it is apparent that the offences alleged under the provisions of Section 3(1)(x) and (xi) of the Act shall not be attracted. Therefore, bar created under Section 18 of the Act shall not be applicable. He further submits that so far offence under Section 307 of the Indian Penal Code is concerned, admittedly, nobody has sustained injury at the hands of the accused persons much less the petitioners. He also highlighted that the petitioners

are the first offender.

Learned Spl.P.P. appearing on behalf of the State of Bihar, though has opposed the prayer for anticipatory bail, but has not been able to dispute the aforesaid submissions.

Be that as it may, taking into consideration the entire factual matrixes of the present case, which is evident from the FIR vide Annexure-1, this Court is inclined to accede to the prayer made on behalf of the petitioners for grant of anticipatory bail. Accordingly, their prayer for grant of anticipatory bail is allowed.

In the event of their arrest or surrender in the court below within a period of four weeks from today, let the above named petitioners be enlarged on bail on furnishing bail bond of Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of learned C.J.M., Arwal in connection with Arwal P.S. Case No. 01 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and subject to further conditions that:

(A) One of the bailors must be government servant or close family members of the petitioners, who will file an affidavit in the court below showing his/her 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 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 opportunity of hearing to all concerned;

(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 date, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioners.

(Birendra Prasad Verma, J)

Arvind/-

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