IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31027 of 2016

Arising Out of PS.Case No. -271 Year- 2016 Thana -MADHEPURA District- MADHEPURA

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1. Arun Yadav Son of Keshori Yadav, @ Kishori Prasad Yadav.
2. Keshori Yadav @ Kishori Prasad Yadav son of Late Narelal Yadav @ Kishun Prasad Yadav Both the Resident of Village- Mithai, Police Station and District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Durgesh Kumar
For the Opposite Party/s : Mr. Sri Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL ORDER

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2 12-08-2016 Heard the learned counsel for the petitioners and the State.

The two petitioners are named accuseds of Madhepura P.S. case no. 271 of 2016, registered under Section 307 of the IPC.

Demarcation of the land was being done when the accused persons, including the petitioners said to have arrived. They started cutting the soil which was objected by the informant whereafter it is alleged that co-accused Abhay Yadav who was armed with machine gun fired on few occasions, however, causing injury to none. So far petitioner no.2 is concerned, it is alleged that he ordered to assault. So far petitioner no.1 is concerned, there is a general allegation. He was not even armed with any fire weapon

Considering the background in which the allegation has been levelled as also the fact that these petitioners were not armed with fire arm and opened any firing, I am persuaded to extend the privilege of anticipatory bail to the petitioners. Let the petitioners, named above, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, 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 the learned C.J.M. Madhepura, in connection with Madhepura P.S. case no. 271 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further following conditions:-

(i) One of the bailors shall be the own/close family member of the petitioners.

(ii) As soon as the charges are framed the petitioners shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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