

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48681 of 2016

Arising Out of PS.Case No. -94 Year- 2008 Thana -MURLIGANJ District- MADHEPURA

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1. Gajendra Yadav
2. Lakshmi Yadav both sons of Mukti Yadav Resident of Village - Tamot
Parsa, P.S. - Murliganj, Distt. - Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Veena Kumari Jaiswal
For the Opposite Party/s : Mr. Chaubey Jawahar
For the informant : Mr. Sharda Nand Mishra
Mr. Deepak Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 16-12-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners are apprehending their arrest in a case registered for offences punishable under Sections 147, 148, 149, 323, 324, 367, 379, 447 and 448 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that there is an existing land dispute between the parties, which is the basis for institution of the present case. It has further been submitted that during investigation, the petitioners were found innocent and they were not sent up for trial but cognizance for the offences punishable under Section 307 and other Sections of the I.P.C., have been taken against these petitioners.



Heard learned counsel for the informant and learned A.P.P. also. Learned counsel for the informant submitted that there is specific allegation of assault against these petitioners on the brother of the informant and others and, therefore, they do not deserve to be enlarged on bail.

Having heard both sides and in view of the fact that there is direct and specific allegation of assault against these petitioners, I am not inclined to grant the petitioners, the privilege of anticipatory bail, it is accordingly rejected.

However, if the petitioners surrender before the Court below, their prayer for regular bail may be considered by learned Court below without being prejudiced by this order.

(Vinod Kumar Sinha, J)

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