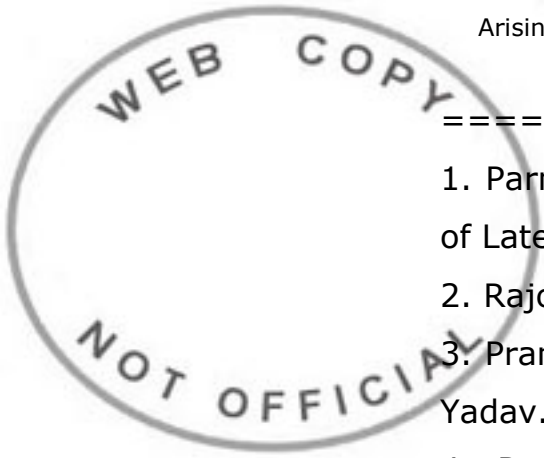




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46955 of 2015

Arising Out of PS.Case No. - 183 Year - 2015 Thana - SIMRI BAKHTIARPUR
District - SAHARSA

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- 1. Parmeshwari Bhagat @ Parmeshwari Prasad Bhagat, Son of Late Gena Bhagat.
- 2. Rajo @ Rajendra Bhagat, Son of Late Gena Bhagat.
- 3. Pramod Yadav @ Kharanti @ Pankaj Yadav, Son of Puran Yadav.
- 4. Raghunandan Yadav @ Ragho Yadav, Son of Puran Yadav.

All are resident of Village - Sonapura, P.S.- Balwa Haat,
District – Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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With

Criminal Miscellaneous No.50349 of 2015

Arising Out of PS.Case No. - 183 Year - 2015 Thana - SIMRI BAKHTIARPUR
District - SAHARSA

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- 1. Meena Yadav @ Radheshyam Yadav, S/o Late Ghuran Yadav @ Puran Yadav.
- 2. Chandan Yadav @ Chandan Kumar, S/o Meena Yadav @ Radheshyam Yadav.

Resident of Village - Sonpura, P.S. – Bakhtiyarpur, District -
Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

(In Cr. Misc. No.46955 of 2015)

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Adv.
Mr. Rakesh Singh, Adv.

For the Opposite Party/s : Md. Ataur Rahman, A.P.P.

(In Cr. Misc. No.50349 of 2015)

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr. Binod Kumar – 2 A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

4 26-02-2016 Heard learned Senior counsel, appearing on behalf of the petitioners, and learned Additional Public Prosecutors, appearing on behalf of the State.

Both these applications, seeking anticipatory bail, arise out of Bakhtiyarpur P.S. Case No.183 of 2015, registered for the offences punishable under Sections 307, 354, 504, 506, 447, 323, 341, 147, 148 and 149 of the Indian Penal Code and Section 27 of the Arms Act, and are being, therefore, taken up together and being disposed of by this present common order.

Learned Senior counsel, appearing on behalf of the petitioners, has submitted, referring to the First Information Report, that as per own statement of the

informant, she did not identify the persons, who opened fire. He has submitted that the petitioners have been implicated merely on suspicion because there was some dispute over purchase of land by the informant.

I find substance in the submission made on behalf of the petitioners. However, I find that petitioner Nos.1 and 2, abovenamed, in Cr. Misc. No.46955 of 2015, have got criminal antecedents, as stated in Paragraph-3 of the application. I am, therefore, not inclined to grant them the privilege of anticipatory bail.

Their application for anticipatory bail, is, accordingly, rejected.

Both of them are directed to surrender before the court below within a period of four weeks from today and seek regular bail, if so advised. If they do so, their application for regular bail shall be considered on its own merit without being prejudiced by rejection of their present application for grant of anticipatory bail.

As regards petitioner Nos.3 and 4, abovenamed, in Cr. Misc. No.46955 of 2015, and petitioner Nos.1 and 2, abovenamed, in Cr. Misc. No.50349 of 2015, these applications are allowed.

Let the petitioner Nos.3 and 4, abovenamed, in Cr. Misc. No.46955 of 2015, and petitioner Nos.1 and 2,

abovenamed, in Cr. Misc. No.50349 of 2015, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Saharsa**, in connection with **Bakhtiyarpur P.S. Case No.183 of 2015**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners, abovenamed, shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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