

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.39244 of 2016**

Arising Out of PS.Case No. -12 Year- 2016 Thana -SAHKUND District- BHAGALPUR

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1. Niranjan Yadav  
2. Lalu Yadav  
    Both sons of Nitya Nand Yadav.  
3. Nitya Nand Yadav. son of Late Bale Yadav,  
    All are Resident of Village- Kishanpur, P.S. Shahkund, District-  
Bhagalpur.

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Sri Jai Narain Thakur

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

3      05-12-2016                      Heard Sri Radha Mohan Singh, learned counsel,  
  
who has appeared on instruction of Sri Ranjan Kumar Jha, learned  
  
counsel for the petitioners and Sri Jai Narain Thakur, learned  
  
Addl. Public Prosecutor.

Three petitioners i.e. petitioner nos. 1 and 2 both  
sons of petitioner no.3, who is own brother of the informant, have  
approached this Court for grant of anticipatory bail in Sahkund  
P.S. Case no.12/16 registered for the offence under Sections 341,  
323, 354(B), 435, 34 of the Indian Penal Code.

By way of referring to the F.I.R., it was submitted  
by learned counsel for the petitioners that the informant himself  
has stated that partition in between the parties has already taken



place and, thereafter, alleged offence has taken place. By way of referring to Annexure-2 of the present petition i.e. copy of the chargesheet vide Chargesheet no.08/16 dated 31.01.2016, he also submits that of course, in the F.I.R., non-bailable offences were referred, but during investigation, all such offences were not found true . Chargesheet has been submitted only for offences, which are bailable in nature. The learned Magistrate, differing with the police report, has passed order even under Section 354(B) of the Indian Penal Code.

Learned Addl. Public Prosecutor has opposed the prayer for grant of anticipatory bail. He submits that now at least order under Section 354(B) of the Indian Penal Code has been passed, which is serious in nature and non-bailable offence.

Besides hearing learned counsel for the parties, I have also perused the materials on record. So far Section 354(B) of the Indian Penal Code is concerned, at the first instance during investigation by the statutory investigating agency it was found untrue and, as such, the Court is of the opinion that it is a fit case for grant of anticipatory bail. Accordingly, let the aforesaid three petitioners, namely, (i) Niranjan Yadav (ii) Lalu Yadav and (iii) Nitya Nanda 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 Sub Divisional Judicial Magistrate, Bhagalpur in connection with Sahkund P.S. Case No.12/16, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

**(Rakesh Kumar, J)**

NKS/-

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