

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.11920 of 2016**

Arising Out of PS.Case No. -70 Year- 2015 Thana -MAHESHKHUNT District- KHAGARIA

- =====
1. Rajeev Yadav, Son of Subuk Lal Yadav, resident of Village- Dharampur Banni, P.S.- Maheshkhut, District- Khagaria.
  2. Ghyanshyam Yadav, Son of Shankar Yadav, resident of Village- Chauki Sadpur, P.S. Sahebpur Kamal, District- Begusarai.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Kumar Uday Singh

For the Opposite Party/s : Mr. Arun Kumar(APP)

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

2      28-03-2016

Heard the parties.

The petitioners apprehend their arrest in a criminal prosecution registered under Section 307/149 and some other allied offences under the Indian Penal Code as also under Section 27 Arms Act.

Though, the petitioners, besides others, are named in the F.I.R, vide Annexure-1, as accused, but taking into consideration the fact that the petitioner no.2- Ghanshyam Yadav is alleged to have assaulted the informant by fists and slaps and petitioner no.1- Rajeev Yadav is alleged to have assaulted him by *lathi* on his hand, but no such corresponding injury was found on the person of the informant, which is evident from injury report, as contained in Annexure-2, and also taking into consideration the fact that the allegation of firing is specifically against to-accused Rajesh Yadav, this Court is inclined to accede to the prayer made on behalf of the petitioners for grant of anticipatory bail.

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-bonds of Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria, in connection with Maheshkhut P.S. Case No. 70 of 2015, subject to the conditions laid down under Section 438(2) Cr. P.C and subject to the 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 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 the 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 an opportunity of hearing to all concerned and
- (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 dates, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioners.

**(Birendra Prasad Verma, J)**

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