

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47638 of 2016

Arising Out of PS.Case No. -174 Year- 2014 Thana -DULHIN BAZAR District- PATNA

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1. Sanjay Yadav , son of Udit Narayan Singh
2. Rocky Yadav @ Rauki yadav @ Sanjay Yadav son of Choubey Yadav
3. Birendra Yadav son of Late Mal Prasad Yadav
4. Deepak Yadav son of Triveni Yadav
All resident of village Nawada P.S. Dulhin Bazar, District Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Prasad Singh

For the Opposite Party/s : Mr. Sri Shantanu Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 23-11-2016 Heard Sri Binod Kumar Singh , learned counsel who

was assisted by Sri Satyendra Prasad Singh , learned counsel for

the petitioners and Sri Shantanu Kumar, learned Additional

Public Prosecutor .

Four petitioners apprehending their arrest have prayed
for grant of anticipatory bail in a case which was registered long
back in the year 2014 vide Dulhin Bazar P.S. Case No. 174 of
2014 registered for offences under Sections 341, 323, 384, 504/34
of the Indian Penal Code and Section 27 of the Arms Act .

It was submitted by learned counsel for the petitioners
that informant of the present case was earlier accused in a case
which was lodged from the petitioners' side in which
subsequently the informant was granted bail and thereafter



maliciously present F.I.R. was lodged as if petitioners had demanded Rangdari of Rs. 500000/- and threatened and also assaulted the informant as well as his driver of the tractor. He submits that it is a case of false implication and moreover according to learned counsel for the petitioners there is no specific accusation against either of the petitioners. Only there is general and omnibus allegation.

The court is of the opinion that submission regarding general and omnibus allegation is required to be examined while considering regular bail petition not while hearing anticipatory bail petition. Moreover in this case F.I.R. was lodged in the year 2014 . Normally this court was not inclined to extend the privilege of bail however keeping in view fact that petitioner no. 3 and 4 as stated in paragraph no. 3 of the petition are having clean antecedent and petitioner no. 1 and 2 are accused in other cases prayer for bail of petitioner no. 1 and 2 due to the reason that they are having criminal antecedent stands rejected

However in view of peculiar facts and circumstances in the event of arrest or surrender within a period of six weeks from today, let the petitioner no. 3 and 4 Birendra Yadav , Deepak Yadav be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the

like amount each to the satisfaction of Sri Raghawendra Narayan Singh, J.M. 1st Class, Danapur / concerned court in connection with Dulhin Bazar P.S. Case No. 174 of 2014 subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure .

(Rakesh Kumar, J)

Praful/-

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