

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42379 of 2016

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1. Bigan Yadav
2. Shiv Yadav Both sons of Dwarika Yadav Resident of Village- Itwan,
P.S.- Konch, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Lilawati Singh

For the Opposite Party/s : Sri Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 06-10-2016 Heard learned counsel for the parties.

This application for grant of anticipatory bail arises out of Konch P.S. Case No. 89 of 2015, disclosing offences under Sections 341,323,504,307/34 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioners has submitted that because of some petty dispute between the children of the two families, which had resulted into a kind of quarrel, some scuffle had taken place. She submits that in the background in which the occurrence has taken place, no tangible purpose would be served, if the petitioners are taken into custody.

I find substance in the submission advanced on behalf of the petitioners.

Yet, I am not inclined to grant the privilege of anticipatory

bail to petitioner No.2 above named, because of the criminal antecedent, which he has, as mentioned in paragraph 3 of the application.

So far petitioner No.2 above named is concerned, his prayer for anticipatory bail is rejected.

Petitioner No.2 above named is directed to surrender before the Court below within six weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail by this Court.

So far petitioner No.1 above named is concerned, his application for anticipatory bail is allowed. Let the petitioner No.1 above named, in the event of his arrest/surrender within six weeks from today in the court below be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Miss Akanksha Kashyap, learned Judicial Magistrate, Gaya in Konch P. S. Case No. 89 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner No.1 shall present himself before the police/Court as the case may be,

as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

ArunKumar/-c

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