

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23084 of 2017

Arising Out of PS.Case No. -818 Year- 2016 Thana -BANKA District- BANKA

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1. Nandi Yadav, Son of Late Baiju Yadav,
2. Gopal Yadav, S/o Late Bishan Yadav,
3. Suro Yadav, S/o Late Baiju Yadav.
4. Fulo Yadav, S/o Shankar Yadav.
5. Shakar Yadav, S/o Late Mahipal Yadav.
6. Mando Yadav, S/o Late Bishan Yadav.
7. Shibu Yadav, S/o Late Baiju Yadav, all resident of Village- Lohani Kurawa, P.S.- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Sri Madhuranand Jha

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 25-05-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Banka P.S.

Case No. 818 of 2016 instituted for the offence under Sections- 307, 379, 325 & other minor sections of the Indian Penal Code.

From the written report, it appears that Nandi Yadav (petitioner No. 1) is alleged to have assaulted Satan Yadav, the husband of the informant with Tangi on his head. The petitioner No. 2 Gopal Yadav is alleged to have assaulted the husband of the informant with Farsa on his face. It is further alleged that when Bhainsur, Babulal Yadav of the informant intervened to save them, he was also assaulted by Shibu Yadav by Khanti on his



head. It is further alleged that when the informant went to save her husband, she was also assaulted and Ashok Yadav assaulted the husband of the informant with Khanti. Thereafter, accused persons entered into house of the informant and took away box, ornaments etc.

The injury report of all the three injured have been enclosed from which; it appears that they have sustained injuries as mentioned in the written report.

Therefore, this court is not inclined to grant anticipatory bail to petitioner Nos. 1,2 & 7 as there is specific allegation against them. Accordingly, prayer for anticipatory bail of petitioner Nos. 1, 2 & 7 stands rejected.

The petitioner Nos. 1,2 & 7 are directed to surrender in the court below and seek regular bail which will be considered and disposed off in accordance with law without being prejudiced by this order.

So far as petitioner Nos. 3, 4, 5 & 6 are concerned; there is general and omnibus allegation against them. In such circumstances, prayer for anticipatory bail of petitioner Nos. 3, 4, 5 & 6 is allowed and it is ordered that the petitioner Nos. 3, 4, 5 & 6 named above, in the event of their arrest or surrender in the court below within four weeks from the date of receipt/production of



copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Banka P.S. Case No. 818 of 2016 to the satisfaction of learned Chief Judicial Magistrate, Banka subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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