

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27199 of 2017

Arising Out of PS.Case No. -19 Year- 2014 Thana -SALKHUA District- SAHARSA

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1. Prakash Yadav, Son of Baleshwar Yadav,
2. Manoj Yadav, Son of Baleshwar Yadav,
3. Rakesh Yadav, Son of Kailash Yadav,
4. Sablu Yadav @ Sabru Yadav, Son of Late Kailash Yadav,
5. Sintu Yadav, Son of Prakash Yadav,
6. Ranjesh Yadav, Son of Bijo Yadav,
7. Brajesh Yadav, Son of Bijo Yadav, All Resident of Village- Utersra, P.S.- Salkhua, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Ms. Reena Sinha

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

2 01-07-2017 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Salkhua Police Station Case No. 19 of 2014, disclosing offences under Sections 147, 148, 149, 447, 341, 323, 324, 325, 307, 379, 354 and 504 of the Indian Penal Code.

There are altogether 7 petitioners out of 10, who have been named in the First Information Report.

Learned Counsel appearing on behalf of the



petitioners has submitted that it is evident from the First Information Report that there is land dispute between the parties and the informant, who was complaining against acceptance of measurement of the same land. He has further submitted that it is alleged that assault was made with the butt of rifle and butt of pistol. According to him, if this is to be considered, no offence under Section 307 of the Indian Penal Code is made out in the absence of any intention to kill. Had it been the intention to kill, the assault would have been made with the rifle and the pistol and not with the butt of the rifle and butt of the pistol.

Learned Counsel appears to be correct in his submission. This application is accordingly allowed.

Let the petitioners, namely, Prakash Yadav, Manoj Yadav, Rakesh Yadav, Sablu Yadav @ Sabru Yadav, Sintu Yadav, Ranjesh Yadav and Brajesh Yadav, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate II, Saharsa, in connection with Salkhua Police Station Case No. 19 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.



This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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