

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22974 of 2017

Arising Out of PS.Case No. -81 Year- 2014 Thana -GHOSBARI District- PATNA

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1. Padarath Yadav
2. Ram Swarath Yadav alias Swarath Yadav
Both sons of late Shyam Kishore Yadav, residents of village - Marakahi,
Tartar, Police Station - Ghoshwari, District - Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajkumar Rajesh, Advocate
Mr. Ranvijay Singh, Advocate.
For the State : Mr. Ashok Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 01-07-2017 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in Ghoshwari
P.S. Case No. 81 of 2014 instituted for the offence under Sections
341, 342, 307, 302, 34 of the Indian Penal Code and Section 27 of
the Arms Act.

It has been submitted on behalf of the petitioners that
there is specific allegation of causing firearm injury in the
stomach of the brother of the informant against accused Varun
Yadav. The police after investigation did not submit charge sheet
against these petitioners but the court below has taken cognizance
against these petitioners along with other accused persons.



The doctor in the post mortem has found only one gun shot injury on the person of the deceased.

Learned counsel for the opposite party No. 2 and the State have submitted that the deceased in his *Fardbeyan* recorded in the Hospital has taken the name of these petitioners also along with other accused persons. Suraj Yadav after giving his statement died and, therefore, the same may be treated as a dying declaration.

From perusal of the allegation in the written report which is filed by the brother of the informant, it appears that he has levelled specific allegation against Varun Yadav of causing firearm injury in the stomach of the brother of the informant.

From the *Fardbeyan* recorded by Suraj Yadav, it appears that he had levelled allegation of causing firearm injury in his stomach against co-accused Varun Yadav. These petitioners are alleged to be the members of the mob.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Ghoshwari P.S. Case No. 81 of 2014, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two



sureties of the like amount each to the satisfaction of Sri Manoj Kumar, learned Judicial Magistrate, 1st Class, Barh, Patna, subject to the conditions as laid down under Section 438 (2) 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.

S.Ali/-

(Sanjay Priya, J)

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