

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38586 of 2017

Arising Out of PS.Case No. -34 Year- 2017 Thana -SAHARSA District- SAHARSA

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1. Dilip Yadav S/o Chandra Kishore Yadav
2. Sanjeev Yadav @ Sanjeev Kumar S/o Harikishun Yadav All residents of
Village - Baijnath Patti, Baluaha, P.S. - Sadar, District - Saharsa.
..... Petitioners

Versus

The State of Bihar.

..... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bidhan Chandra Jha

For the Opposite Party/s : Smt. Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 10-10-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Saharsa
P.S.Case No. 34/2017 instituted for the offence under sections
147, 148, 341, 323, 324. 308, 504, 506 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that
there has been free fight between the parties and the injuries have
been sustained on both sides. It has further been submitted that the
mother of petitioner no.2 has lodged F.I.R. bearing Saharsa
P.S.Case No. 33/2017. In that case the family members of
petitioner no.2 have sustained injury. In the instant case it is
alleged that petitioner no.1 assaulted the informant on his head
with Dabiya and petitioner no.2 assaulted the informant with lathi.
It is further alleged that when one Prashant Kumar came to rescue
him, he was assaulted by petitioner no.1 and when his uncle came



to save him, petitioner no.2 assaulted him due to which he sustained head injury. It has been submitted that all the injuries on the injured have been found to be simple in nature.

Considering the facts and circumstances of the case, the 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, 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 the Chief Judicial Magistrate, Saharsa in connection with Saharsa P.S.Case No. 34/2017, 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.

(Sanjay Priya, J)

Surendra/-

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