

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43308 of 2017

Arising Out of PS. Case No.-265 Year-2017 Thana- SAHARSA District- Saharsa

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1. Arjun Yadav, Son of Manik Yadav,
 2. Birendra Yadav @ Birendra Yadav, Son of Late Janak Yadav,
 3. Sanoj Kumar @ Sanoj Yadav Son of Birendra Yadav, All R/o Villae- Khonha, P.S.- Bihra, District- Sahara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar
For the Opposite Party/s : Mr. SMT. GULNAR BEGAM

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 04-10-2017 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Saharsa Sadar P.S. Case NO. 265 of 2017, disclosing offences under Sections 147,148,149,323,504,506,379,308 of the Indian Penal Code and Section 27 of the Arms Act.

There are five persons named in the First Information Report. Allegation against them is of assaulting the informant with *iron rod, lathi, fists and slaps*. It is also alleged that one of the co-accused, namely, Shivendra Yadav opened fire to scare the informant and the persons, who had come in rescue.

Learned counsel for the petitioners has submitted that addition of Sections 379 and 308 of the Indian Penal Code and



Section 27 of the Arms Act in the First Information Report is superimposition. I find substance in the submission so advanced on behalf of the petitioners on perusal of the First Information Report.

This application is, accordingly, allowed.

Let the petitioners above named in the event of their 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)each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in Saharsa Sadar P.S. Case No. 265 of 2017, 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 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)

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