

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38720 of 2017

Arising Out of PS.Case No. -221 Year- 2016 Thana -KHAIRA District- JAMUI

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1. Arun Yadav
2. Barun Yadav Both sons of Umesh Yadav, Resident of Village- Lalpur,
Police Station- Khaira, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the State : Dr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 23-08-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Khaira P.S. Case No. 221 of 2016 instituted for the offence under Sections-307, 354 & other minor Sections of the Indian Penal Code.

It has been submitted that there is case and counter case between the parties. These petitioners are alleged to have assaulted the informant with Lathi on head. It is further alleged that the informant fell down on the ground and, thereafter, Umesh Yadav also assaulted the informant with Lathi. The injury report has been annexed as Annexure- 2 to this petition, wherein the doctor has found simple injury on the person of the injured. It has further been submitted that counter case has also been filed by family members of these petitioners vide Khaira P.S. Case No. 223 of 2016 for brutal assault of these petitioners and his family members. Petitioners' family members have also sustained



injury in that occurrence. The injury report of injured in counter case has been annexed as Annexure -4 to this petition. Similarly situated other co-accused have already been granted anticipatory bail by coordinate bench of this court vide order dated 17-02-2017 passed in Cr. Misc. No. 6053 of 2017.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their arrest or surrender in the court below within six 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 in Khaira P.S. Case No. 221 of 2016 to the satisfaction of learned Chief Judicial Magistrate, Jamui 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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