

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50455 of 2016

Arising Out of PS.Case No. -455 Year- 2014 Thana -SAUR BAZAR District- SAHARSA

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1. Suresh Yadav, S/o Late Dukha Yadav.
2. Naresh Yadav, S/o Late Dukha Yadav.
3. Bikki Yadav @ Bikki Kumar, S/o Suresh Yadav.
4. Ashish Yadav @ Ashish Kumar, S/o Suresh Yadav, All are residents of Village- Kaptola Gauravgarh, P.S.- Sour Bazar, District- Saharsa.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Shiva Shankar Sharma, Advocate.

For the Opposite Party : Mr. Braj Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 08-02-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in connection with Sour Bazar P.S. Case No. 455 of 2014, for the offences registered under Sections 436, 504 and 506/34 of the I.P.C.

The prosecution story, in brief, is that in the night of 29.09.2014 at about mid night, the F.I.R. named accused persons came at the house of the informant with Arms in their hands and they set fire in his house by causing damages to the house hold articles and also taken away valuable of the informant.



Earlier anticipatory bail application of the petitioners was dismissed as withdrawn on 03.09.2015 in Cr. Misc. No. 23026 of 2015.

It has been submitted on behalf of learned counsel for the petitioners that the police report was submitted in the case where petitioner no. 2 Naresh Yadav and other co-accused, namely, Binay Yadav were sent up for trial under bailable offence.

As far as the petitioner nos. 1, 3 and 4, namely, Suresh Yadav, Vikky Yadav and Ashish Yadav are concerned, they were not sent up for trial as the police found the allegation false against them. Hence, under the said impression, earlier the anticipatory bail application of the petitioners was dismissed as withdrawn but subsequently the learned court below differed with the said police report has taken cognizance.

Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application of the petitioners with a liberty to surrender in the learned court below within a period of six weeks. If the petitioners surrender in the learned court below within a period of six weeks, the same shall be considered on its own merit without being prejudiced by the order of this Court taking into account the submissions made on behalf of learned counsel for the petitioners.



The present anticipatory bail application is, accordingly,
dismissed as withdrawn in connection with Sour Bazar P.S. Case
No. 455 of 2014, pending in the court of learned Chief Judicial
Magistrate, Saharsa.

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(Sudhir Singh, J)

