

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8565 of 2017

Arising Out of PS.Case No. -226 Year- 2016 Thana -SALKHUA District- SAHARSA

- =====
1. Umesh Yadav, Son of Late Madan Yadav
 2. Baua Yadav, Son of Umesh Yadav, Both Residents of Village-
Hathmandal, P.S.- Salkhua, Banma Itahari O.P., District- Saharsa.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ashok Kumar, Advocate

For the Opposite Party : Mr. Damodar Prasad Tiwary (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 07-03-2017 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners apprehend their arrest in connection with Salkhua P.S. Case No. 226 of 2016, registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 325, 379, 427 of the Indian Penal Code and Section 27 of Arms Act.

Allegedly, the petitioners and other co-accused surrounded Birendra Kumar son of the informant and when Birendra Kumar tried to flee away the petitioners opened fire, resulting, Birendra Kumar stopped himself, and then, he was assaulted by lathi and his right leg was fractured, during assault Titan wrist watch, cash of Rs. 5,000/- and gold chain of one *bhar*



was snatched away by the accused persons.

Submission is of false implication and that no fire-arm injury has been caused to anyone. The allegation for snatching titan wrist watch, cash of Rs. 5,000/- and gold chain appears ornamental, only with a view to make the case non-bailable and further there is no specific allegation in this regard and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering that no fire arm injury has been caused to anyone and, as such, the petitioners in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IIInd, Saharsa, in connection with Salkhua P.S. Case No. 226 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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