

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27215 of 2017

Arising Out of PS.Case No. -60 Year- 2016 Thana -BASNAHI District- SAHARSA

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1. Subhash Yadav @ Subhash Kumar, Son of Late Nagesh Yadav @ Nageshwar Yadav, Resident of Village- Barsam, P.S.- Basnahi, District- Saharsa.
2. Prabhash Kumar @ Prabhash Yadav, Son of Bishundeo Yadav, Resident of Village- Barsam, P.S.- Basnahi, District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Sri Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

3 21-09-2017 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Basnahi P.S. Case No. 60 of 2016, registered under Sections 147, 149, 341, 323, 379, 302 and 504 of the Indian Penal Code, pending in the court of Additional Chief Judicial Magistrate-IV, Saharsa.

The accusation is that informant, Manish Kumar Yadav, along with his father and uncle was sleeping at Basa. On hearing sound, he woke up and saw that six persons named in the F.I.R. including the petitioners were assaulting his father, Naresh



Yadav. When he tried to save him then petitioner no. 2 and two unknown caught hold and threatened him of dire consequences to keep silent. In the meantime, Ganesh Yadav, uncle of the informant, was also caught hold by 2 to 3 unknown, but he raised alarm, on which, Pankaj Yadav and Sanjay Yadav also raised alarm. At that time, petitioner no. 2 snatched the gold chain from his neck and all accused fled away.

Learned counsel for the petitioners submits due to dirty village politics, the informant, who is also a criminal, has disclosed the name of the petitioners in the F.I.R. with false allegation.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioners, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioners are directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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