

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.29890 of 2017**

Arising Out of PS.Case No. -272 Year- 2016 Thana -SAUR BAZAR District- SAHARSA

- =====
1. Sonelal Yadav, S/o Late Kishundhan Yadav,
  2. Ganesh Yadav, S/o Bandey Lal Yadav,
  3. Ajay Yadav, S/o Biren Yadav,
  4. Sanjay Yadav, S/o Pannalal Yadav, all are residents of Village - Kap Uttawari Tola, P.S. - Sour Bazar, District - Saharsa.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

2/ 11-07-2017

Heard learned counsel for the Petitioners and the State.

The Petitioners apprehend their arrest in Sour Bazar P.S. Case No.272 of 2016 instituted for the offence under Section(s) 147, 149, 341, 323, 324, 379,354, 504, 506/34 Indian Penal Code.

As per written report, petitioner No.3 assaulted the informant with *farsa* on the head and petitioner No. 4 assaulted the informant with rod on his arm. It is further alleged that Sonelal Yadav and Ganesh Yadav (petitioner Nos.1 and 2) opened fire from 303 but the pellet did not hit anybody and thereafter the accused persons committed theft of household articles of the informant.



Injury Report has been annexed as Annexure-3, wherein, the doctor has found one lacerated sharp cut wound over mid scalp 2" x ½" x muscle deep over parietal skull and lacerated wound over left fore arm 1" x ½" x muscle deep. X-ray of forearm was advised with suspicion of fracture.

In such circumstances, Injury Report supports specific allegation of assault against petitioner Nos.3 and 4 by *farsa* and rod on the person of the informant.

In view of such, this Court is not inclined to extend the privilege of anticipatory bail to petitioner Nos.3 and 4, namely, Ajay Yadav and Sanjay Yadav.

Accordingly, their prayer for anticipatory bail is rejected. They may surrender before the Court below and seek regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order.

So far as petitioner Nos.1 and 2 (Sonelal Yadav & Ganesh Yadav) are concerned, there is general and omnibus allegation against them.

Prayer of the petitioner Nos.1 and 2 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner Nos.1 and 2 (Sonelal Yadav and Ganesh Yadav) within six weeks from today in connection with Sour Bazar P.S. Case



No.272 of 2016, they shall be released on anticipatory 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 Chief Judicial Magistrate, Saharsa, subject to the conditions as laid down under Section 438(2) 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 tampers 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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