

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31624 of 2017

Arising Out of PS.Case No. -348 Year- 2016 Thana -BAHERA District- DARBHANGA

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1. Shivjee Yadav, son of Nehal Yadav
 2. Santoshi Yadav @ Santosh Yadav, son of Shivjee Yadav
 3. Ghuran Yadav, son of Balal Yadav
 4. Ram Surat Yadav, son of Bauya Yadav
 5. Ram Swaroop Yadav @ Ram Swarath Yadav, son of Balen Yadav
 6. Chotai Yadav @ Chhote Yadav @ Chhot Yadav, son of Siya Ram Yadav.

All resident of village Ghonghiya, P.S. Bahera, Distt. Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Bisheshwar Ram, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 17-07-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Bahera P.S. Case No.348 of 2016, corresponding to G.R. No. 442 of 2016 instituted for the offence under Sections 341, 323, 324, 307 and 504/34 of the Indian Penal Code.

It has been submitted that there is case and counter case between the parties in which petitioner No. 5 Ram Sagorath Yadav has sustained injury for which Bahera P.S. Case No. 349 of 2016 has been registered for the same day of occurrence against the informant Asharfi Yadav and his other family members.



It is alleged in the written report that all the petitioners assaulted the nephew of the informant with *lathi, garansa etc.*

The learned Sessions Judge has mentioned in the impugned order that there is no injury report in the case diary.

Learned counsel for the petitioner has annexed the injury report sustained by Ram Sogarath Yadav petitioner No. 5 in the counter case as Annexure-3 which shows that he sustained fracture injury on his right frontal bone.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Bahera P.S. Case No. 348 of 2016, corresponding to G.R. No. 442 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 learned Additional Chief Judicial Magistrate, Benipur, Distt. Darbhanga, 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 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.

S.Ali/-

(Sanjay Priya, J)

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