

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38557 of 2017

Arising Out of PS.Case No. -757 Year- 2016 Thana -BANKA District- BANKA

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1. Bijay Yadav, Son of Sukhdeo Yadav,
2. Sandeep Kumar, S/o Bijay Yadav, Both resident of Mohalla- Babutola,
Police Station- Banka, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Sri Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 25-08-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Banka P.S. Case No. 757 of 2016 instituted for the offence under Sections-325, 307, 379 & other minor Sections of the Indian Penal Code.

It has been submitted that there is no specific allegation of committing assault against these petitioners. There is allegation of committing assault against co-accused Subodh Yadav, Amit Yadav and Sujeet Yadav. These petitioners are said to be merely members of unlawful assembly.

The other co-accused namely, Barundeo Kumar @ Bajrangi Yadav with similar allegation has been granted anticipatory bail by a coordinate bench of this court vide order dated 03-02-2017 passed in Cr. Misc. No. 54906 of 2016.

In such circumstances, prayer for anticipatory bail is allowed



and it is ordered that the petitioners named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Banka P.S. Case No. 757 of 2016 to the satisfaction of learned Chief Judicial Magistrate, Banka subject to condition as laid down u/S 438(2) of the 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.

(Sanjay Priya, J)

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