

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41760 of 2017

Arising Out of PS.Case No. -76 Year- 2016 Thana -BHAIRABASHTHAN District- MADHUBANI

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1. Bihari Yadav, Son of Late Tahale Yadav @ Laldhan Yadav,
2. Shripati Yadav Son of Late Tahale Yadav @ Laldhan Yadav,
3. Chalittar Yadav, Son of Shripati Yadav, All are R/o Village- Kathana,
Mohanpur, P.S.- Bhairabasthan, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar

For the Opposite Party/s : Mr. Sri Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 04-10-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Bhairavasthan P.S. Case No. 76 of 2016 instituted for the offence under Sections-307, 379 & other minor Sections of the Indian Penal Code.

As per fardbyan, there is specific allegation against petitioner Nos. 1 & 2 of assaulting the father of the informant indiscriminately with intention to kill on the head which was saved with hand and he sustained injury in his hand as well as on his leg.

The case diary has been received wherein the doctor has found multiple stretched wound of varying size over right and left hand as well as single stitched wound over inside part of left leg. The doctor has also found fracture of distal end of 5th metacarpal bone.

Therefore, this court is not inclined to grant anticipatory bail to the petitioner Nos. 1 & 2. Accordingly, prayer for anticipatory bail of petitioner Nos. 1 & 2 is rejected.



The petitioner Nos. 1 & 2 are directed to surrender in the court below and seek regular bail, which will be considered on its own merit without being prejudiced by this order.

So far as petitioner No. 3 is concerned; there is no specific allegation of any overt act against him.

In such circumstances, prayer for anticipatory bail of petitioner No. 3 is allowed and it is ordered that the petitioner No. 3 named above in the event of his 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 Bhairavasthan P.S. Case No. 76 of 2016 to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Jhanjharpur, Madhubani 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) petitioner No. 3 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 petitioner No. 3 and (3) if petitioner No. 3 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 petitioner No. 3.

(Sanjay Priya, J)

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