

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33079 of 2017

Arising Out of PS.Case No. -233 Year- 2016 Thana -KUMARGHAND District- MADHEPURA
=====

1. Pankaj Yadav,
 2. Bhola Yadav, both Sons of Yogi Yadav, all resident of village- Israin
Madheli Tola, P.S.- Kumarkhand, District- Madhepura.
- Petitioner/s

Versus

1. The State of Bihar.

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

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nand Kishore Pd, APP
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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 22-08-2017

Heard learned counsel for the Petitioners and the
State.

The Petitioners apprehend their arrest in
Kumarkhand P.S. Case No.233 of 2016 instituted for the offence
under Section(s) 147, 148, 149, 341, 447, 323, 324, 307, 354,
429, 435, 379, 504 Indian Penal Code.

As per written report, petitioner No.1 caused injury
in the stomach of Sattan Ram by arrow due to which he fell
down. It is further alleged that petitioner No.2 caused injury by
arrow in the leg of Sanjit Ram.

Case diary has been received, wherein, injury report
of Sattan Ram is available. The Doctor has found piercing injury
in the stomach with oozing of blood.

As such, there is specific allegation against



petitioner No.1 of causing piercing injury with arrow in the stomach of Sattan Ram.

In such circumstances, this Court is not inclined to extend the privilege of anticipatory bail to petitioner No.1, Pankaj Yadav.

Accordingly, prayer of the petitioner No.1, Pankaj Yadav, for grant of anticipatory bail is rejected.

The petitioner No.1 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 No.2, Bhola Yadav, is concerned, there is allegation that he caused injury to Sanjit Ram in his leg with arrow, but no injury has been found on the person of Sanjit Ram.

In the facts and circumstances of the case, prayer of the petitioner No.2 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner No.2, named above, within six weeks from today in connection with Kumarkhand P.S. Case No.233 of 2016, he shall be released on anticipatory bail on furnishing bail bond of ` 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional



Judicial Magistrate, Madhepura, 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) petitioner 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 and (3) if petitioner 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.

(Sanjay Priya, J)

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