

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30735 of 2017

Arising Out of PS.Case No. -74 Year- 2017 Thana -GOPALPUR District- BHAGALPUR

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1. Ashok Yadav
 2. Pankaj Yadav
 3. Sukesh Yadav
 4. Sunill Yadav All are Sons of Kanik Lal Yadav
 5. Kanik Lal Yadav, Son of Late Fudo Yadav All are resident of- Village- Bari Makandpur, P.S.- Gopalpur, District- Bhagalpur (Bihar).
 6. Sandip Yadav @ Sandip Kumar Son of Kailash Yadav, resident of Village- Goriyar, P.S.- Tikapatti, District- Katihar (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Sri Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 02-08-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Gopalpur P.S. Case No. 74 of 2017 instituted for the offence under Sections-353, 506 of the Indian Penal Code.

It has been submitted that the instant case is a counter blast of Gopalpur P.S. Case No. 75 of 2017 lodged by the petitioner No. 1. It has further been submitted that prior to that case, the brother of petitioner Nos. 1, 2 & 3 was killed by husband of the informant for which, petitioner No. 3 registered Gopalpur P.S. Case No. 37 of 2016 for the offence under Sections-307, 302 & other minor Sections of the Indian Penal Code and husband of the informant is in custody in that



case. It has further been submitted that prior to lodging of the FIR as contained in Annexure-2 (Gopalpur P.S. Case No. 37 of 2016), Petitioner No. 1 instituted Gopalpur P.S. Case No. 34 of 2016 against husband of the informant and others with allegation that accused persons assaulted the petitioner No. 1 and snatched golden chain.

Counsel for the petitioners has submitted that just in the retaliation of those cases and also the fact that the husband of the informant is in custody in Gopalpur P.S. Case No. 37 of 2016, the instant case has been filed by the informant. The injury report of the injured is Annexure-5 wherein the doctor has found no bony fracture.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner 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 Gopalpur P.S. Case No. 74 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate, Naugachia, Bhagalpur subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (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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