

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33529 of 2017

Arising Out of PS.Case No. -87 Year- 2017 Thana -GOPALPUR District- BHAGALPUR

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1. Bijay Yadav
2. Bilash Yadav
Petitioner Nos. 1 and 2 are Sons of Late Juri Yadav
3. Jalo Yadav
4. Rajesh Yadav
5. Bhavesh Yadav
6. Kundan Yadav
Petitioner Nos. 3 to 6 are Sons of Bijay Yadav
7. Bhago Yadav
8. Niwash Yadav
Petitioner Nos. 7 and 8 are Sons of Bilash Yadav
All residents of Village Gosain Gaon, P.S. Gopalpur, District Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate.
For the Opposite Party/s : Smt. Madhuri Lata, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 28-07-2017 It has been submitted on behalf of the petitioner that

petitioner No. 1 namely, Bijay Yadav has been arrested and, hence

his application for anticipatory bail has become infructuous.

Therefore, the prayer for anticipatory bail of
petitioner No. 1 is dismissed as having become infructuous.

Heard learned counsel for the petitioners and the
State.

The petitioner Nos. 2 to 8 apprehend their arrest in
Gopalpur P.S. Case No. 87 of 2017 instituted for the offence



under Sections 341, 342, 323, 354B and 34 of the Indian Penal Code.

It has been submitted that petitioners have been falsely implicated in this case due to land dispute with regard to ancestral property. The informant and the petitioners are close agnates.

From the written report, it appears that there is general and omnibus allegation against the petitioners. There is allegation that Rajesh Yadav (petitioner No. 4) assaulted the informant with butt of three nut.

From the impugned order it appears that no any injury has been found on the person of the informant.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner Nos. 2 to 8 namely, Bilash Yadav, Jalo Yadav, Rajesh Yadav, Bhavesh Yadav, Kundan Yadav, Bhago Yadav and Niwash Yadav, is allowed. In the event of surrender/arrest of the petitioner Nos. 2 to 8, named above, within six weeks from today, in connection with Gopalpur P.S. Case No. 87 of 2017, 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, 1st, Naugachia,



Bhagalpur, 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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