

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32537 of 2017

Arising Out of PS.Case No. -428 Year- 2016 Thana -SAUR BAZAR District- SAHARSA

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1. Arvind Yadav Son of Late Godi Lal Yadav
2. Ram Ratan Yadav Son of Late Godi Lal Yadav Both residents of Village
- Indarba, P.S. - Sour Bazar, District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Sri Tapeswar Sharma

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 14-07-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Saur Bazar P.S.
Case No. 428 of 2016 instituted for the offence under Sections-427, 379
& other minor sections of the Indian Penal Code.

Both the informant and petitioners are full brothers. The
occurrence took place on account of land dispute between the parties.

As per written report, these petitioners with the assistance
of unknown miscreants, cut away two Mahua, one Sisam and one
jackfruit trees of the informant. When the informant went to protest
their acts, they opened fire but no injury was sustained. It has further
been alleged that a Panchayati was convened but both brothers did not
come. Thereafter, on 09-11-2016, both the petitioners came with
weapon to kidnap his sons. It is further alleged that petitioner No. 2
assaulted the informant with spade in his right shoulder but the police



registered a case u/Ss 341, 323, 427, 447, 506, 34 of the Indian Penal Code.

In such circumstances, prayer for anticipatory bail is allowed 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 Saur Bazar P.S. Case No. 428 of 2016 to the satisfaction of learned Chief Judicial Magistrate, Saharsa 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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