

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34086 of 2017

Arising Out of PS.Case No. -1259 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Sudhir Kumar, son of late Yugal Bihari Yadav
2. Gita Devi, wife of Sudhir Kumar
Both are resident of Dariyapur Gola (Dhobi Gali), P.S. Kadam Kuan, Distt. Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rakesh Kumar, son of late Yugal Bihari Yadav, r/o Dariyapur Gola (Dhobi Gali), P.S. Kadam Kuan, Distt. Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar Sinha, Advocate.

For the Opposite Party/s : Smt. Suman Kumari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 20-07-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Complaint Case No. 1259(c) of 2015 instituted for the offence under Sections 379, 323 and 34 of the Indian Penal Code.

It has been submitted that petitioner No. 1 and complainant are full brother. Petitioner No. 2 is wife of petitioner No. 1. The instant case has been filed on account of family dispute. From the complaint petition it appears that there is general and omnibus allegation against the petitioners that they entered into the room of the complainant and assaulted him and his wife with *lathi* and iron rod. It is also alleged that petitioner



No. 1 snatched golden chain from the wife of the complainant.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Complaint Case No. 1259(c) of 2015, 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 Smt. Sarika Vahalia, learned Judicial Magistrate, 1st Class, Patna, 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.

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(Sanjay Priya, J)

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