

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53597 of 2017

Arising Out of PS.Case No. -130 Year- 2016 Thana -SONBERSA District- SAHARSA

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1. Devendra Yadav Son of Late Niranjana Yadav
2. Bablu Yadav Son of Lalo Yadav
3. Dharendra Yadav Son of Late Niranjana Yadav
4. Chandan Yadav @ Abhimanyu Yadav Son of Hemendra Yadav
All residents of Village/Rakhauta, Police Station - Sonbarsa, District -
Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parmanand Kumar

For the Opposite Party/s : Mr. Sri Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 09-11-2017 Heard learned counsel for the petitioners and the
State.

Petitioners are apprehending their arrest in connection with Sonbarsa Raj P.S. Case No.130 of 2016 for the offences under Sections 147, 148, 149, 341, 447, 323, 325, 379, 504 & 506 of the Indian Penal Code and Section 27 of the Arms Act.

From perusal of the Fardbeyan, it appears that against petitioner nos.1 and 2 there is allegation of assault by lathi whereas there is no specific overt act against petitioner nos.3 and 4. Counsel for the petitioners submits that there is a case and counter case and the instant case is subsequent to the case lodged by the petitioners' side which is Annexure-2 to this application,



which was numbered as Sonbarsa Raj P.S. Case No.129 of 2016. The learned counsel for the petitioners has drawn attention of the Court to Annexure-3 series much to indicate that the injury sustained by the informant's side is simple in nature. He drew attention of the Court to the order contained in Annexure-4 whereby Binod Yadav and Pappu Yadav have been granted anticipatory bail in Criminal Miscellaneous No.12489 of 2017 vide order dated 27.03.2017.

Considering the fact that the nature of injury is simple in nature and there is no overt act alleged against petitioner nos.3 and 4, the injury alleged to have been caused by lathi blow is against petitioner nos.1 and 2. Let the petitioners, named above, be released on bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Sonbarsa Raj P.S. Case No.130 of 2016 subject to the condition as laid down under Section 438(2) of the Cr.P.C with further condition that the bailors of the petitioners should be their own family members.

(Anil Kumar Upadhyay, J)

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