

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.58939 of 2017**

Arising Out of PS.Case No. -23 Year- 2016 Thana -KARPI District- JEHANABAD

- =====
1. Shankar Yadav @ Akhilesh Yadav,
  2. Rajballabh Yadav, Both son of Kamta Yadav, Both resident of Village- Bhikhanpur, P.S.- Konch, District- Gaya.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Advocate  
For the Opposite Party/s : Mr. Yogendra Kr. Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

ORAL ORDER

2      13-12-2017                      Heard learned counsel for the petitioners and learned  
Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with Kapri P. S. Case No. 23 of 2016 registered under Sections 147, 148, 149, 341, 323, 379, 386, 387 and 504 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that though the alleged occurrence is said to have taken place on 06.01.2016, the written report was submitted to the SHO of Karpi Police Station on 04.02.2016. He submitted that the petitioners are not named in the FIR and their names transpired in course of



investigation on the basis of confession made by an accused, who had also taken name of Mahendra Yadav and Satendra Yadav, who have already been granted pre-arrest bail by a co-ordinate Bench of this Court, vide order dated 19.09.2017, passed in Cr. Misc. No. 44582 of 2017 and even otherwise, the ingredients of the offences punishable under Sections 386 and 387 of the Indian Penal Code would not be attracted, as there is no allegation that the informant in any way was put in fear of death or grievous hurt.

Learned Additional Public Prosecutor for the State has opposed the prayer for pre-arrest bail to the petitioners.

Regard being had to the submissions made above, the petitioners named above are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Arwal in Kapri P. S. Case No. 23 of 2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks from today.

**(Ashwani Kumar Singh, J.)**

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