

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44892 of 2018

Arising Out of PS.Case No. -803 Year- 2017 Thana -KHAGARIA District- KHAGARIA

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1. Jagat Yadav, S/o Hakru Yadav,
2. Amir Yadav S/o Kapildeo Yadav,
3. Kamal Yadav S/o Late Bachchu Yadav,
4. Deobrat Yadav @ Devbar Yadav S/o Late Bachchu Yadav, All R/o Vill.-
Barkhandi Tola, P.S.- Muffasil, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary

For the Opposite Party/s : Mr. Sri Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 08-08-2018 Heard learned counsel for the petitioners as well as the

State.

The petitioners apprehend their arrest in Khagaria (Muffasil) P.S. Case No. 803/2017, instituted for the offences punishable under Sections 147, 149, 341, 323, 379, 307 and 504 of the Indian Penal Code read with Section 27 of the Arms Act.

It is alleged that one Rabo Yadav gave spade blow to the informant but the informant anyhow saved himself. It is further alleged that co-accused Anjan Yadav and Pankaj Yadav brutally assaulted the informant with *lathi*. It is also alleged that when son of the informant came for his rescue, these petitioners and co-accused Rabo Yadav attempted to assault his son but his son fled away.

Learned counsel for the petitioners submits that in the written report there is no any specific allegation of assault against these



petitioners. Specific allegation is against co-accused Rabo Yadav, Anjan Yadav and Pankaj Yadav of assaulting the informant. It has been submitted that the occurrence is said to have taken place on 08.11.2017 and the F.I.R. has been filed on 13.11.2017, after delay of six days.

Considering the facts and circumstances of the case, the 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 Khagaria (Muffasil) P.S. Case No. 803/2017, 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 the learned Chief Judicial Magistrate, Khagaria, subject to the conditions as laid down under Section 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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