

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45401 of 2017

Arising Out of PS.Case No. -168 Year- 2017 Thana -BIHARIGANJ District- MADHEPURA

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1. Manoj Yadav, Son of Bramdeo Yadav, Resident of Village- Pastpar Lahona, P.S.- Sour Bazar (Pastpar), District- Saharsa
 2. Sudist Yadav, Son of Nageshwar Yadav, Resident of Village- Babhangama, P.S.- Bihariganj, District- Madhubani.
 3. Dilip Yadav, Son of Nageshwar Yadav, Resident of Village- Babhangama, P.S.- Bihariganj, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate.

For the Opposite Party/s : Mr. Matloob Rab, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 23-01-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Bihariganj P.S. Case No. 168 of 2017** instituted for the offence under Sections 323, 341, 307 and 504/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that the instant case has been filed only on account of malice and grudge. Petitioner no. 1 has lodged Bihariganj P.S. Case No. 184 of 2017 against the informant and others for the offence under Sections 323, 341, 379, 504 and 506 and 34 of the Indian Penal Code. The mother-in-law of petitioner No. 1 has also filed Bihariganj



P.S. Case No. 11 of 2017 against the family members of the informant. The mother of petitioner Nos. 2 and 3 has filed complaint Case No. 94 of 2017 against Ram Krishna Yadav, Rupa Yadav @ Rupesh Yadav and others on 24.4.2017.

In the instant case there is general and omnibus allegation that all these petitioners assaulted the informant. They fired but it did not hit anyone. They assaulted the informant with butt of Three Nut causing injury to him.

The injury report has been enclosed wherein the Doctor has found simple injury on the person of the informant caused by hard and blunt substance.

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 **Bihariganj P.S. Case No. 168 of 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 learned **Judicial Magistrate, 1st Class, Uda Kishunganj, Distt. Madhepura**, 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 their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond 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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