

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5627 of 2018

Arising Out of PS.Case No. -179 Year- 2017 Thana -SAUR BAZAR District- SAHARSA

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1. Narayan Yadav, Son of Brahmdeo Yadav,
2. Lalan Yadav, Son of Brahmdeo Yadav,
3. Ashok Yadav, Son of Brahmdeo Yadav,
4. Brahmdeo Yadav, Son of Late Jagati Yadav,
5. Mukesh Yadav, Son of Ramotar Yadav,
6. Uday Yadav, Son of Ramotar Yadav,

All Resident of Village- Madhura, Police Station- Sour Bazar, District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate.

For the Opposite Party/s : Mr. Anant Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 21-03-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Sour Bazar P.S. Case No. 179 of 2017** instituted for the offence under Sections 147, 148, 149, 341, 323, 342, 354, 307, 379, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that there is case and counter case between the parties. Petitioner No. 5 has filed Sour Bazar P.S. Case No. 178 of 2017 against the informant and others for the same date of occurrence.

In the instant case there is allegation against the



petitioners that on the date of occurrence, while the informant with her younger son namely, Niraj Kumar was repairing hut, the accused persons including these petitioners armed with *lathi*, three nut, spade, *khanti* etc. arrived and started abusing the informant. The informant raised objection, then co-accused Uday Yadav and Lalan Yadav caught her son and accused Narayan Yadav assaulted him with butt of country made pistol, causing head injury and blood came out from his mouth. On hulla, when the other sons of the informant arrived, the accused Manisha Devi, Subin Devi and Pinki Devi started assaulting the informant and her sons.

Case diary has been received.

The injury report has been enclosed as Annexure-4 wherein the Doctor has found only swelling and bruise over the person of the injured.

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 **Sour Bazar P.S. Case No. 179 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 Chief Judicial Magistrate, Saharsa**, 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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