

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3509 of 2018

Arising Out of PS.Case No. -76 Year- 2016 Thana -KADIRGANJ District- PATNA

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1. Anita Devi, w/o Purohit Yadav,
 2. Rubi Kumari, d/o Purohit Yadav,
 3. Rinki Kumari, d/o Purohit Yadav,
 4. Rakesh Kumar, s/o Purohit Yadav, all residents of village- Titai Bigha, P.S.- Masaurhi, District- Patna,
 5. Brahmdeo Yadav @ Brahmdeo Kumar, son of late Bhola Yadav,
 6. Shyam Yadav @ Shyam Pd., son of Brahmdeo Yadav,
 7. Bhagat Yadav, son of Brahmdeo Yadav, all residents of village- Jamuara, P.S.- Chiksaora (Hilsa), District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra, Advocate

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 21-02-2018

Counsel for the petitioners has submitted that petitioner no.5, Brahmdeo Yadav @ Brahmdeo Kumar, has been arrested during the pendency of this application.

In view of such, this application is dismissed as withdrawn in so far as it relates to **petitioner no.5, Brahmdeo Yadav @ Brahmdeo Kumar.**

Heard learned counsel for rest of the petitioners and learned APP for the State.

Petitioner nos.1, 2, 3, 4, 6 and 7 apprehend their arrest in **Kadirganj P.S. Case No.76 of 2016** instituted for the offence under Section(s) 302 and other allied sections of the



Indian Penal Code.

Petitioner nos.1, 2 and 3 are ladies. It has been submitted that prayer for anticipatory bail of Manju Devi has already been granted by a co-ordinate Bench of this Court by order dated 03.11.2017 passed in Cr. Misc. No.44116 of 2017.

In the facts and circumstances of the case, prayer of the petitioner nos.1, 2 and 3 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the **petitioner nos.1, 2 and 3, named above**, within six weeks from today in connection with **Kadirganj P.S. Case No.76 of 2016**, 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 **Judicial Magistrate, 1st class, Masaurhi, Patna**, 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 bonds 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.

So far allegation against petitioner nos.4, 6 and 7 are concerned, it is alleged that these petitioners and other accused persons brutally assaulted the father of the informant with lathi, danda, pistol etc. on account of which he became seriously injured. He was brought to Govt. Hospital, Masaurhi, from where he was referred to PMCH, but in the PMCH, he was declared dead.

Prayer of one of the accused for grant of anticipatory bail was refused by a co-ordinate Bench of this Court by order dated 22.12.2017 passed in Cr. Misc. No.61155 of 2017.

In view of such, this Court is not inclined to extend the privilege of anticipatory bail to petitioner nos.4, 6 and 7.

Prayer of the petitioner nos.4, 6 and 7 for grant of anticipatory bail is **rejected**.

They may surrender before the Court below and seek regular bail, which shall be considered and disposed off in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

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