

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34128 of 2018

Arising Out of PS. Case No.-367 Year-2017 Thana- JAYNAGAR District- Madhubani

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1. Abdhesh Yadav, Son of Late Ram Jatan Yadav.
 2. Praveen Yadav, Son of Ram Chalitar Yadav.
 3. Vijay Yadav, Son of Shiv Shankar Yadav.
 4. Arun Yadav, Son of Late Tirpit Yadav.
 5. Manisha Yadav @ Manish Yadav, Son of Ravindra Yadav, All resident of Village- Kuadh, P.S.- Jai Nagar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Sri Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 12-07-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Jai Nagar P.S. case no.
367 of 2017 instituted for the offence under Section(s)
147,148,149,447,448,341,342, 323, 337, 324, 307 and 379 of the
Indian Penal Code and Section 27 of the Arms Act.

As per written report petitioner nos. 1, 2, 3 caused firm arm
injury to Maheshwar Yadav, Singheshwar Yadav and Shiv Shankar
Yadav. The allegation against petitioner nos. 4 and 5 is that they
assaulted with Farsa to Shiv Shankar Yadav and Vijay Yadav
respectively.

It is submitted that there is case and counter case between



the parties. The injuries have been sustained by both the parties.

The case diary has been received. Learned APP has submitted that Maheshwar Yadav, Singheshwar Yadav and Shiv Shankar Yadav have sustained several injuries which is also mentioned in the impugned order. There is specific allegation against all these petitioners. Therefore, this Court is not inclined to grant anticipatory bail to petitioner nos.1,2 and 3. Prayer for anticipatory bail of the petitioner nos.1, 2 and 3 stand rejected.

Petitioner nos.1, 2 and 3 may surrender before the Court below and make prayer for regular bail which shall be considered and disposed of on its own merit in accordance with law without being prejudiced by the present order.

So far petitioner nos. 4 and 5 are concerned, there is general and omnibus allegation against them.

In the facts and circumstances of the case, prayer of the petitioner nos. 4 and 5 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner nos. 4 and 5, named above, within six weeks from today in connection with Jai Nagar P.S. case no. 367 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 the SDJM Madhubani, 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 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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