

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36127 of 2018

Arising Out of PS.Case No. -461 Year- 2017 Thana -AMARPUR District- BANKA

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1. Krishna Deo Kumar son of Mahendra Yadav
2. Mahendra Yadav son of Late Bhuja Yadav
3. Bisan Mahto @ Bisan Yadav son of Mahipal Yadav
4. Kapildeo Yadav son of Dhukhi Yadav
5. Upendra Yadav son of Dukhi Yadav
6. Arjun Yadav son of Dukhi Yadav.
7. Raju Yadav son of Muneshwar Yadav.
8. Dip Narayan Yadav @ Dipu Yadav, son of Asharfi Yadav
9. Tej Narayan Yadav son of Asharfi Yadav.
10. Rubi Kumari wife of Kapildeo Yadav
11. Anita Devi wife of Tej Narayan Yadav
12. Rina Devi wife of Sunil Yadav
13. Sukri Devi wife of Asharfi Yadav All resident of Village-Burhwabathan P.S. Fullidumar District- Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 26-07-2018 Heard learned counsel for the petitioners as well as the State.

The petitioners apprehend their arrest in Amarpur (Fullidumar) P.S. Case No. 461/2017, instituted for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 448 and 307 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that in the written report, there is general and omnibus allegation



against all the accused persons including the petitioners that having armed with weapon they arrived and assaulted the informant and other family members.

Case diary has been received.

Learned Additional P.P. has submitted that all the injuries on the person of the injured are found to be simple in nature except injury no. 1 on the person of Sikandar Yadav, which is grievous in nature. The doctor has opined that the injury is caused by hard and blunt substance.

From the written report itself, it appears that no any specific allegation has been attributed to any of the petitioners of assaulting the informant and others.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of petitioner nos. 1 to 9 is allowed. In the event of surrender/arrest of petitioner nos. 1 to 9, named above, within six weeks from today, in connection with Amarpur (Fullidumar) P.S. Case No. 461/2017, 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, Banka, 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.

So far as petitioner nos. 10 to 13 are concerned, the provision bail granted to them vide order dated 03.07.2018 is hereby confirmed.

(Sanjay Priya, J.)

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