

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61915 of 2017

Arising Out of PS.Case No. -98 Year- 2017 Thana -BRAHMPUR District- BUXAR

- =====
1. SATISH YADAV @ SATISH CHANDRA YADAV,
 2. Subhas Yadav, both sons of late Sheoji Yadav, both residents of village-
Jawahin Diar, Police Station- Barhampur, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Arif, APP

Mr. Anirudh Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 28-02-2018

Heard learned counsel for the petitioners and learned

APP for the State as well as counsel for the informant.

Petitioners apprehend their arrest in **Brahampur**

P.S. Case No.98 of 2017 instituted for the offence under

Section(s) 147, 148, 149, 342, 323, 452, 436, 354-B, 380, 504,

427, 506 Indian Penal Code.

Counsel for the petitioners has submitted that there is land dispute between the parties. It is submitted that no case under SC/ST Act has been registered.

Counsel for the informant has appeared and submitted that police has mentioned in the case diary that request has been made to add SC/ST Act.

A report was called for from the Chief Judicial



Magistrate, Buxar, wherein, it is mentioned that case is not under SC/ST Act.

In the written report, it is alleged that petitioner no.1 set the hut of the informant on fire and petitioner no.2 assaulted the informant with *lathi*. Co-accused Satyendra Yadav, torn the skirt of the daughter of the informant.

Case diary has been received, wherein, place of occurrence has been described at para 5 in which the police has not mentioned any sign of burning of hut.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with **Brahampur P.S. Case No.98 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 **Chief Judicial Magistrate, Buxar**, 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.

(Sanjay Priya, J)

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