

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50593 of 2018

Arising Out of PS.Case No. -29 Year- 2017 Thana -SHAMBHUGANJ District- BANKA

- =====
1. Subhash Yadav, son of Dhiro Yadav,
 2. Punam Devi, wife of Subhash Yadav, both are resident of Village- Bihar Bhalua, P.S.- Shambhuganj, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Murlidhar, APP

For the Informant : Mr. Om Prakash Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 28-08-2018

Heard learned counsel for the petitioners and learned

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

Petitioners apprehend their arrest in **Shambhuganj**

P.S. Case No.29 of 2017 instituted for the offence under
Section(s) 341, 323, 337, 308 and 504/34 Indian Penal Code.

It has been submitted that there is case and counter case between the parties. Counter case has been filed by the petitioner No.2 against the informant and others vide Mahila P.S. Case No.07 of 2017. Instant case has been filed due to previous family dispute between the petitioners and the informant.

In the instant case, allegation against the petitioner No.1 is of assaulting the informant with iron rod on his head. Petitioner No.2 is alleged to have assaulted him by back of bricks



on the head of the informant.

The injury report of the informant has been enclosed as Annexure-P/3, which shows that simple injuries were found on the person of the informant.

The Sessions Judge has mentioned in the impugned order that charge-sheet has been submitted for the offence under Section 308 of Indian Penal Code against the petitioners.

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 **Shambhuganj P.S. Case No.29 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 **Sub-Divisional Judicial Magistrate, Banka**, 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)

**JA/-
Rohit Kr.**

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