IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.65362 of 2018

Arising Out of PS.Case No. -74 Year- 2017 Thana -PIPRAKOTHI District- EASTCHAMPARAN (MOTIHARI)

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1. Upendra Yadav, Son of Mahendra Yadav.
2. Lal Bihari Yadav, Son of Late Suraj Rai,
3. Prabhu Yadav, Son of Dasai Yadav @ Dashai Ray, All residents of Village- Makari Mahuawa, P.S.- Piprakothi, District- East Champaran.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :
For the Petitioners : Mr. Umesh Chandra Verma, Advocate.
For the Opposite Party : Mr. Nawal Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 29-10-2018 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 323, 307, 379, 504 and 506/34 of the IPC.

The prosecution story, in brief, is that on 19.04.2017 the informant was going to *Pipara Kothi* with Motorcycle for purchasing *Gitti* and *Sand* keeping Rs. 47,700/-. All of sudden, he reached near the Bridge of *Asmasan*, petitioners alongwith others stop his Motorcycle and fired from *Nalakatuya*. Petitioner no. 2 Lal Bihari Yadav assaulted him with *Lathi* and petitioner no. 1 Upendra Yadav opened knife and told to kill him and took out Rs. 47,700/- from his pocket.

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It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. None is said to have been injured in course of occurrence nor there is any injury report in support of allegation made in the FIR.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., East Champaran at Motihari, in connection with Piprakothi P.S. Case No. 74 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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