

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1418 of 2018

Arising Out of PS.Case No. -56 Year- 2018 Thana -KHAGARIA District- KHAGARIA

=====

1. Arvind Yadav, S/o Late Ragho Yadav,
2. Dinesh Yadav, S/o Late Ragho Yadav,
3. Pankaj Yadav, S/o Dinesh Yadav,
4. Subhash Yadav, S/o Dinesh Yadav,

All are R/o Vill.- Nanhku Mandal Tola, P.S.- Muffasil, Distt.- Khagaria.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Indrajit Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 24-05-2018 Heard learned counsel for the Appellants and learned
Spl. P.P. for the State.

It has been submitted that Appellant No. 1 namely,
Arvind Yadav, has already been arrested. Therefore, his prayer for
anticipatory bail has become infructuous.

The prayer for anticipatory bail of Appellant No. 1 is
dismissed as withdrawn.

This Appeal has been preferred against the impugned
order dated 07.04.2018 passed by the learned **Additional Sessions
Judge, 1st, Khagaria, in connection with Khagaria (Muffasil)
P.S. Case No. 56 of 2018, G.R. No. 277 of 2018** registered for the
offence under Sections 341, 323, 379, 504, 506/34 of the Indian



Penal Code and Section 3 (i) (r) (s) of SC/ST Act, by which the prayer for anticipatory bail of the Appellants has been rejected.

Learned counsel for the Appellants has submitted that Appellant Nos. 2 to 4 have clean antecedent. There is no injury found on the person of the injured. There is general and omnibus allegation against Appellant Nos. 2 to 4. The instant case has been filed on account of land dispute between the parties.

It is alleged in the written report that Appellants assaulted the informant and abused her by calling her caste name.

In the facts and circumstances of the case, this Appeal is allowed and the impugned order dated 07.04.2018 passed by the learned **Additional Sessions Judge, 1st, Khagaria, in connection with Khagaria (Muffasil) P.S. Case No. 56 of 2018, G.R. No. 277 of 2018**, with regard to Appellant Nos. 2, 3 and 4 is hereby set aside.

Let the Appellants Nos. 2, 3 and 4 above named in the event of surrender/arrest within six weeks from today, in connection with **Khagaria (Muffasil) P.S. Case No. 56 of 2018, G.R. No. 277 of 2018**, 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 learned **Additional Sessions Judge, 1st, Khagaria**, 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) Appellants 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 bond and (3) if Appellants 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 Appellants.

(Sanjay Priya, J)

S.Ali/-
Rohit Kr.

U		T	
---	--	---	--

