

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 34784 of 2018

Arising Out of PS. Case No.-101 Year-2018 Thana- Makhdumpur District- Jehanabad

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1. Mahendra Yadav, Son of Late Ram Dahin Yadav,
 2. Surendra Yadav, Son of Late Ram Dahin Yadav,
 3. Santosh Yadav, Son of Mahendra Yadav,
- All resident of Village- Dayal Bigaha, Tola- Chatar, Police Station- Makhdumpur, District- Jehanabad.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vijay Kumar
For the Opposite Party/s : Mr. S. Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 08-08-2018 Heard Sri Vijay Kumar, learned counsel for the petitioners and Mr. S. Ehteshamuddin, learned Addl. Public Prosecutor.

Three petitioners, apprehending their arrest in Makhdumpur P.S. Case No. 101 of 2018 registered for offence under Sections 147, 148, 149, 341, 323, 504 & 379 of the Indian Penal Code and Section 27 of the Arms Act, 1959, have prayed for grant of bail in the event of their arrest or surrender.

Firstly by way of referring to the fact disclosed in the F.I.R., it was submitted by learned counsel for petitioners that accusation in the F.I.R. do not suggest commission of any non-bailable offence. Ofcourse, Section 379 of the Indian Penal



Code was added in the F.I.R., but regarding said offence also in the F.I.R., it was indicated that mob had taken the mobile and some cash amount. Besides this, it has been argued that earlier also, the informant had lodged a case against petitioners, particularly against son of petitioner no. 1, under Sections 365, 366(A) of the Indian Penal Code, vide Makhdumpur P.S. Case No. 99 of 2018. In the said F.I.R., husband of the present informant was informant and in the present case, it was alleged, as if, the informant side of the present case when reached near the house of the petitioners, they heard some voice of the victim and thereafter, they entered inside the house of the petitioners, whereas, according to learned counsel for the petitioners, informant side were intruder and forcibly entered into the house of the petitioners and committed crime, for which, from petitioners side, an F.I.R., vide Makhdumpur P.S. Case No. 100 of 2018 (Annexure – C to the supplementary affidavit), was lodged for offence under Sections 147, 148, 149, 448, 341, 323, 325, 307 & 504 of the Indian Penal Code and Section 27 of the Arms Act, 1959 against husband of the informant of the present case and others.

Learned Addl. Public Prosecutor tried to persuade the Court that in view of order passed by the court below, whereby,



while rejecting the prayer for anticipatory bail, the learned Sessions Judge, Jehanabad had observed that petitioners may surrender and pray for bail, he submits that this anticipatory bail petition may not be entertained and petitioners may be directed to surrender and pray for regular bail.

However, on examination of entire fact including Annexure – C to the supplementary affidavit i.e. copy of F.I.R. filed from petitioners side as well as peculiar facts, I am of the opinion that it is a fit case for passing favourable order.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let all the three petitioners namely 1. Mahendra Yadav, 2. Surendra Yadav and 3. Santosh Yadav be enlarged on 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 Chief Judicial Magistrate, Jehanabad in connection with Makhdumpur P.S. Case No. 101 of 2018, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

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