

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42057 of 2018

Arising Out of PS.Case No. -29 Year- 2018 Thana -NATHNAGAR District- BHAGALPUR

- =====
1. Sunil Yadav son of Late Chandan Yadav.
 2. Soni Devi, W/o Sunil Yadav.
 3. Gautam Kumar @ Tinku son of Late Gauri Shankar Prasad.
 4. Rikky Kumar son of Late Gauri Shankar Prasad.
 5. Pritam Kumar son of Rajendra Yadav, All are Resident of Village- Sujapur, P.S. Nathnagar, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh

For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 13-08-2018 Heard learned counsel for the petitioners as well as the State.

The petitioners apprehend their arrest in Nathnagar P.S. Case No. 29/2018, instituted for the offences punishable under Sections 448, 341, 323, 353, 504 and 506/34 of the Indian Penal Code.

It is alleged in the written report that 25-30 persons entered into the police station and started creating nuisance and making pressure upon the police to withdraw the cases lodged by Radhey Shyam Dalaniya against petitioner no. 1 on which the informant along with several other police personnel tried to pacify



the dispute but the petitioners and others caused nuisance. It is alleged that petitioner no. 3 indulged in fighting with reserve guard Md. Jafar and when the police personnel separated both persons, petitioner no. 3 used abusive language and later on all person were ousted from the police station. It is alleged that accused persons were identified on the basis of photographs taken from mobile.

From the written report itself, it appears that specific allegation of fighting with the reserve guard and using abusive language is against Petitioner no. 3.

Therefore, this Court is not inclined to grant anticipatory bail to Petitioner no. 3. Accordingly, his prayer for anticipatory bail is rejected.

So far as Petitioner nos. 1, 2, 4 and 5 are concerned, there is no allegation of any specific overt act against them.

The prayer for anticipatory bail of the petitioner nos. 1, 2, 4 and 5 is allowed. In the event of surrender/arrest of the petitioner nos. 1, 2, 4 and 5, named above, within six weeks from today, in connection with Nathnagar P.S. Case No. 29/2018, 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 the learned A.C.J.M.,



Bhagalpur, subject to the conditions as laid down under Section 438(2) of the 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 absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners 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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