

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44134 of 2018

Arising Out of PS.Case No. -53 Year- 2018 Thana -BANMANKHI District- PURNIA

- =====
1. Bijo Yadav @ Vijay Yadav, Son of Jhagru Yadav,
 2. Pramod Yadav, Son of Bijo Yadav
 3. Sanjeev Yadav, Son of Bijo Yadav,
 4. Pappu Yadav, Son of Ram Krishna Yadav.
 5. Sanjeev Yadav, son of Late Gonasi Yadav.
 6. Kalanand Yadav, Son of Jageshwar Yadav, Village- Bajupati, P.S.- Bhargama Dist.- Araria.
 7. Radhe Yadav, father of Late Kaleshwar Yadav.
- All except petitioner No. 6 are resident of village Durga Tola Mohaniya, P.S. Banmankhi District- Purnea.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Yadav, Advocate.

For the Opposite Party/s : Smt. Renuka Ratnakar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 29-08-2018 Counsel for the petitioners submits that petitioner No. 2 has already been arrested. Therefore, his prayer for anticipatory bail has become infructuous.

The prayer for anticipatory bail of petitioner No. 2 is dismissed as having become infructuous.

Heard learned counsel for the petitioners and the State.

The petitioner Nos. 1, 3, 4, 5, 6 and 7 apprehend their arrest in **Banmankhi P.S. Case No. 53 of 2018** instituted for the offence under Sections 147, 148, 149, 323, 324, 307, 504, 379,



354B, 436, 327 and 427 of the Indian Penal Code.

Counsel for the petitioners has submitted that occurrence had taken place on account of *bona fide* land dispute. No injury has been sustained by anybody. It has further been submitted that wife of petitioner No. 1 has filed Complaint Case No. 453 of 2018 before learned Chief Judicial Magistrate, Purnea, against the husband of informant and other family members which is pending for enquiry.

In the written report it is alleged that petitioners assaulted the informant and misbehaved with his wife.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner Nos. 1, 3, 4, 5, 6 and 7 is allowed. In the event of surrender/arrest of the petitioner Nos. 1, 3, 4, 5, 6 and 7, named above, within six weeks from today, in connection with **Banmankhi P.S. Case No. 53 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 **Chief Judicial Magistrate, Purnea**, 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 bond 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.

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(Sanjay Priya, J)

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