

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40770 of 2017

Arising Out of PS.Case No. -131 Year- 2017 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Sipahi Yadav, S/o Late Thanadar Yadav
2. Jimdar Yadav, S/o Late Thanadar Yadav
3. Raushan Yadav, S/o Sipahi Yadav
4. Sudama Yadav, S/o Sipahi Yadav
All of Vill.- Majhariya, P.S.- Malahi, Dist.- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate.
For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 03-01-2018 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in **Paharpur (Malahi) P.S. Case No. 131 of 2017** instituted for the offence under Sections 147, 149, 341, 323, 324, 307, 504, 379, 447, 427 and 506 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that petitioners and informant are close agnates. There is land dispute between the parties. Prior to lodging the instant case, petitioner No. 3 has lodged case against the informant and others vide Paharpur (Malahi) P.S. Case No. 130 of 2017.



In the instant case the allegation against petitioner Nos. 1 and 3 is of assaulting Mahesh Yadav with iron rod and *lathi*. There is general and omnibus allegation against other petitioners.

Case diary has been received.

The injury report of Mahesh Yadav is available in paragraph-20 of the case diary wherein the Doctor has found simple injury on his person.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Paharpur (Malahi) P.S. Case No. 131 of 2017**, 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, Motihari, East Champaran**, 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 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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