

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39922 of 2018

Arising Out of PS.Case No. -451 Year- 2018 Thana -BIHTA District- PATNA

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1. Shambhu Kumar,
2. Pammu Kumar,
Both sons of Raju Yadav
3. Rakesh Kumar, son of Jatu Yadav,
4. Ram Sakal Yadav, son of Late Mirchai Yadav,
All residents of village - Mahangu Tola, P.S. - Maner, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 25-07-2018 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in **Bihta P.S.**
Case No.451 of 2018 instituted for the offence under Sections
147, 148, 149, 120B of the Indian Penal Code, Section 25(1-b)a,
26 and 35 of the Arms Act.

It has been submitted that during pendency of this
anticipatory bail application, petitioner Nos.1, 3 and 4 have
already been arrested. Therefore, this application with respect to
petitioner Nos.1, 3 and 4 has become infructuous.

The application with regard to petitioner Nos. 1, 3



and 4 is dismissed as withdrawn.

In the written report it is alleged that police got information that some students are said to have assembled near Shiv Mandir of Godhna village for committing unlawful act in the house of one Mahesh Singh. Police conducted raid and two persons, namely, Chamak Kumar Yadav and Siyaram Yadav were apprehended. On search being made, one loaded country made pistol was recovered from their possession. They disclosed the names of the petitioners.

Counsel for the petitioners has submitted that petitioners have no criminal antecedents. There is no recovery from the possession of the petitioners.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner No. 2 is allowed. In the event of surrender/arrest of the petitioner No. 2, named above, within six weeks from today, in connection with **Bihta P.S. Case No.451 of 2018**, he 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 **1st Additional Chief Judicial Magistrate, Danapur at Patna**, 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) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers 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 petitioner.

(Sanjay Priya, J)

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