

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14171 of 2018

Arising Out of PS.Case No. -176 Year- 2017 Thana -LAHERIASARAI District- DARBHANGA

- =====
1. Dev Krishna Yadav @ Deo Krishna Prasad Yadav, S/o Late Sukhdeo Prasad Yadav,
 2. Manoj Singh Yadav, S/o- Deo Krishna Prasad Yadav,
- Both resident of Village- Chatban, P.S.- Keoti, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Samrendra Kumar Jha, Advocate.

For the Opposite Party/s : Mr. S.M. Rahman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 27-03-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Laheriasarai P.S. Case No. 176 of 2017** instituted for the offence under Sections 448, 341, 323, 424, 380, 188, 504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that the house in question is in the name of wife of petitioner No. 1. The informant got information on telephone that petitioners along with other accused persons entered into the house after breaking the lock and assaulted the inmates of the house. The informant saw the petitioners along with 5-6 unknown persons who were



residing in the house after breaking the lock. Two Motorcycle kept in Verandah were found missing. The informant has alleged that he has taken possession of the house by order of the District Magistrate, in Debt Recovery Proceeding lodged by the UCO Bank against the petitioners. The petitioner No. 2 is son of petitioner No. 1.

Learned counsel for the petitioners has submitted that wife of petitioner No. 1 has challenged the jurisdiction of the District Magistrate as well as the said sale before the Hon'ble High Court vide CWJC No. 4506 of 2017 on 21.03.2017, by which the stay has been granted by the Hon'ble High Court. The aforesaid order has been enclosed as Annexure-3.

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 **Laheriasarai P.S. Case No. 176 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, Darbhanga**, 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.

(Sanjay Priya, J)

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