

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31379 of 2018

Arising Out of PS. Case No.-68 Year-2017 Thana- BANGAON District- Saharsa

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1. Sanjeev Yadav @ Sanjeev Kumar, S/o Musharu Yadav,
 2. Shravan Yadav @ Shravan Kumar S/o Arbind Yadav, Both are
R/o Vill.- Bariyahi Basti, P.S.- Bangaon, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 24-05-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in connection
with **Bangaon P.S. Case No. 68 of 2017** registered for the
offence punishable under Sections 307, 384, 386, 341, 324, 504,
506, 427, 147, 148 and 149 the Indian Penal Code and Section
27 of the Arms Act.

Informant in his written report has stated that on
04.07.2017 at about 5:30 am while he was sitting at his cloth
shop all the FIR named accused persons along with 4 to 5
unknown miscreants forcibly entered into his shop and took
cloths. While leaving shop they said that if you want to do
business in Bariyahi Bazar you will have to pay Rs. 2 Lacs as



Rangdari. Again at about 6:30 pm all the FIR named accused persons having Garasa, country made pistol, hockey stick, iron rod in their hand came and by using filthy language entered into shop of the informant and dragged informant on the road and badly assaulted him by means of hockey stick. His elder son Rana Gupta was also assaulted by Bipin Yadav by means of butt of country made pistol and his another son Mana Gupta was assaulted by Sudhir Yadav by means of iron rod causing him injury. In that course accused persons also took cloths and sale proceeds of Rs. 4 to 5 thousand and also opened two rounds firing but anyhow the informant was saved.

It has been submitted on behalf of the petitioners that the petitioners have been falsely implicated in this case. It has been submitted by learned counsel for the petitioners that from perusal of the injury report of the informant it is evident that there is no external injury on his person in spite of allegation of assault by lathi by co-accused Deepak Yadav, petitioner and five unknown persons. It has been further submitted that from perusal of the injury report of two sons of informant, the Doctor has found only bruise and abrasion, which have been opined to be simple in nature. Petitioners have got no criminal antecedent.

Considering the aforesaid facts and circumstances of



the case, let the petitioners named above be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned **C.J.M. Saharsa** in connection with **Bangaon P.S. Case No. 68 of 2017** subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioners shall co-operate 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 sufficient to cancel their bail bonds.
- (3) If the petitioners 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 petitioners.

(S. Kumar, J)

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