

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29307 of 2018

Arising Out of PS. Case No.-55 Year-2018 Thana- BUXAR MUFFSIL District- Buxar

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1. Sushil Yadav, S/o Late Vidyapati Yadav,
 2. Angad Yadav S/o Bali Yadav, Both R/o Vill.- Mahdah, P.S.- Buxar (M), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh

For the Opposite Party/s : Mr. Sri Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 18-07-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Buxar Mufassil P.S.
case no. 55 of 2018 instituted for the offence under Section(s)
147,148,149,447, 323 and 307 of the Indian Penal Code and
Section 27 of the Arms Act.

Learned counsel for the petitioners has submitted that
there is case and counter case between the parties. It is further
submitted that there is allegation against petitioner no.2 of
assaulting Birendra Yadav.

Learned APP for the State has opposed the prayer for bail.

In the written report it is alleged that petitioner no.1
assaulted the informant with butt of the rifle on the head causing



injury. It is further submitted that petitioner no.1 made firing with pistol causing fire arm injury to Chandrakant Pathak on his leg.

In such circumstances, this Court is not inclined to grant anticipatory bail to the petitioner no.1. Prayer for anticipatory bail of the petitioner no.1, namely, Sushil Yadav stands rejected.

Petitioner No.1 may surrender before the Court below and make prayer for regular bail which shall be considered and disposed of on its own merit in accordance with law without being prejudiced by the present order.

So far as petitioner no.2, namely, Angad Yadav is concerned, he is alleged to have assaulted to Birendra Yadav with butt of the rifle. No injury report of Birendra Yadav is available in the case diary.

In the facts and circumstances of the case, prayer of the petitioner No.2 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner No.2, named above, within six weeks from today in connection with Buxar Mufassil P.S. case no. 55 of 2018, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the ACJM-V, Buxar, 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 absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner 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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