

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4706 of 2018

Arising Out of PS.Case No. -141 Year- 2017 Thana -NAUHATTA District- SAHARSA

- =====
1. Lalo Yadav,
 2. Jagdish Yadav, both sons of Late Garbhoo Yadav,
 3. Subhash Yadav,
 4. Pappu Yadav, both sons of Lalo Yadav, All resident of Village-
Gardhiya Lohar Tola Dhatta P.S.- Nauhatta Dist.- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3/ 21-02-2018

It has been submitted that petitioner no.2, Jagdish Yadav, has been arrested during the pendency of this application and seeks permission to withdraw the application in respect of petitioner no.2.

In view of such, this application is dismissed as withdrawn in respect of petitioner no.2, Jagdish Yadav.

Heard learned counsel for rest of the petitioners and learned APP for the State.

Petitioner nos. 1, 3 and 4 apprehend their arrest in **Nauhatta P.S. Case No.141 of 2017** instituted for the offence under Section(s) 307 and other allied sections of the Indian Penal Code and Section 27 of the Arms Act.

It has been submitted that petitioner no.1 is own



brother of the informant and petitioner nos.3 and 4 are son of petitioner no.1 There is land dispute between the parties.

In the written report, there is allegation against co-accused, Arvind Yadav, and Kishore Yadav of assaulting the informant. Allegation against co-accused, Digambar Yadav, is of assaulting the wife of the informant. Petitioner no.1 is said to be order giver.

There is no allegation of specific overt act against the petitioners.

In the facts and circumstances of the case, prayer of the petitioner nos.1, 3 and 4 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the **petitioner nos.1, 3 and 4, named above**, within six weeks from today in connection with **Nauhatta P.S. Case No.141 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 the **Additional Chief Judicial Magistrate, III, Saharsa**, 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 bonds 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.

JA/- **(Sanjay Priya, J)**

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