

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31050 of 2018

Arising Out of PS. Case No.-26 Year-2018 Thana- BAKHTIARPUR District- Saharsa

1. Arun Yadav
2. Arbind Yadav Both Sons of Yogendra Yadav Resident of Village-
Mohanpur Police Station- Bakhtiyarpur (Balwahat O.P.), District
Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Singh
For the Opposite Party/s	:	Mr. Anil Kumar Singh 1
For the Informant	:	Mr. Sunil Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 23-07-2018 Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the Informant.

Petitioners apprehend their arrest in Bakhtiyarpur
(Balwahat O.P.) P.S. Case No. 26 of 2018 instituted for the
offence under Section(s) 341, 323, 324, 307, 379, 504 and
506/34 of the Indian Penal Code.

In the written report, it is alleged that one Arun Yadav
(petitioner no.1) assaulted the informant with *farsa* on his head
causing bleeding injury. It is further alleged that when Ashok
Yadav came to save informant then co-accused Satish Yadav and
Arvind Yadav (petitioner no.2) assaulted him with *dabiya* on
account of which the thumb of left hand of the Ashok Yadav



was cut.

Learned counsel for the petitioners has submitted that injury report of the informant is available in the case diary wherein the doctor has found the injury to be simple in nature. The statement of injured Ashok Yadav is also available in para 21 of the case diary wherein he has specifically stated that he was assaulted by co-accused Satish Yadav. It is further submitted that there is land dispute between the parties. There is case and counter case between the parties. It is further submitted that wife of petitioner no.1 has also lodged a case vide Bakhtiyarpur P.S. Case No. 28 of 2018 for the same date of occurrence.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Bakhtiyarpur (Balwahat O.P.) P.S. Case No. 26 of 2018, 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 CJM, 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 absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners 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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