IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47688 of 2018

Arising Out of PS.Case No. -558 Year- 2008 Thana -KATIHAR COMPLAINT CASE District-KATIHAR

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1. BHALU @ RAJ KUMAR YADAV, S/o Bachi Yadav,
2. Bachi Yadav S/o Late Sukhdeo Yadav, Both R/o Vill.- Jarlahi, P.S.- Barari, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Badri Yadav S/o Gholti Yadav, R/o Vill.- Jarlahi , P.S.- Barari, District-Katihar.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 30-08-2018 Heard learned counsel for the petitioners as well as the State.

The petitioners apprehend their arrest in C.A. Case No. 558/2008, instituted for the offences punishable under Sections 147, 148, 149, 302, 201 and 120B of the Indian Penal Code.

Learned counsel for the petitioners has submitted that initially F.I.R. was lodged alleging that on the date of occurrence petitioners along with other co-accused surrounded the brother of informant and fired one by one, on account of which his brother Kedar Yadav died. They carried the dead body of his brother

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towards Ganga River. The police after investigation submitted final form against petitioners and thereafter on the basis of protest court below has found *prima facie* case against these petitioners under Sections 147, 148, 149, 302, 201 and 120B of the Indian Penal Code and summoned the petitioners.

From perusal of complaint petition itself, it appears that there is no allegation of specific overt act against these petitioners.

Considering the facts and circumstances of the case, the 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 C.A. Case No. 558/2008, 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 learned S.D.J.M, Katihar, subject to the conditions as laid down under Section 438(2) of the 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

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(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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