

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28430 of 2018

Arising Out of PS.Case No. -73 Year- 2018 Thana -MAKHDUMPUR District- JEHANABAD

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1. Satish Kumar Son of Birbal Yadav
2. Birbal Yadav Son of Late Chanarik Yadav Both R/O village- Madari Chak, P.S.- Makhdumpur, Distt.- Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar

For the Opposite Party/s : Mr. Sri Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 20-06-2018

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Makhdumpur P.S. Case No. 73 of 2018 instituted for the offence under Sections 147, 148, 149, 323, 341, 342, 332, 333, 353, 307, 427, 435, 511 of the Indian Penal Code.

It is alleged in the written report that on the date of occurrence, police got information that one person has died due to accident with a truck. Thereafter, four persons including petitioner no. 1, came on Indigo Car and started instigating the people and thereafter, 200 persons started assaulting the informant and police officials with lathi and stones. It is also alleged that petitioner no. 1 along with co-accused Subodh, Niranjana and Nawal Kumar assaulted the informant with iron rod and also damaged the police vehicle and set on fire the truck which met with an accident after sprinkling petrol on the truck.

The informant is Sub-inspector of police. There is specific allegation of assault against petitioner no. 1, Therefore, this Court is not inclined to grant anticipatory bail to petitioner no. 1. As such, prayer for



anticipatory bail of petitioner no. 1 stands rejected.

So far as, petitioner no. 2 is concerned, only allegation against him is that he was a member of un-lawful assembly. There is general and omnibus allegation against him.

In such circumstances, prayer for anticipatory bail of petitioner no. 2 is allowed and it is ordered that Birbal Yadav, petitioner no. 2 in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Makhdumpur P.S. Case No. 73 of 2018 to the satisfaction of learned Sub-divisional Judicial Magistrate, Jehanabad subject to condition as laid down u/S 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) 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 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 petitioner.

(Sanjay Priya, J)

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