

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.61134 of 2018

Arising Out of PS.Case No. -479 Year- 2017 Thana -BARBIGHA District- SEKHPURA

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1. Ganit Yadav Son of late Lorik Yadav
2. Bhushan Yadav Son of Ganit Yadav Both Residents of Village- Golapar, Barbigha, Ward No. 9, Police Station- Barbigha (Mission O.P), District- Sheikhpura. Petitioner/s

Versus

1. The State of Bihar ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Shanker Prasad, Adv
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 06-11-2018 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

According to FIR for dispute relating to obstruction created by the co-accused, allegation is that co-accused-Gopal Kumar allegedly assaulted with iron rod, causing injury at the head of the father of the informant. Subsequently, others including the petitioners also assaulted with bricks etc, as a result whereof, father of the informant died. The postmortem report would reveal that only injury found by the Doctor on the person of the deceased is head injury. It was cause of death.

Submission is that since wife of the petitioner



No.1 had purchased property from an agnate of the informant, which was not liked by the informant. Hence, false implication is there.

Learned counsel for the information opposed the prayer for anticipatory bail.

Considering the fact that the allegation against the petitioners is not corroborated by the medical evidence, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Barbigha (Mission O.P.) P.S.Case No. 479 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the petitioners shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

(Birendra Kumar, J)

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