

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17239 of 2018

Arising Out of PS.Case No. -157 Year- 2016 Thana -DULHIN BAZAR District- PATNA

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1. Anil Yadav Son of Sri Binesar Prasad Resident of Village- Lahladpur, P.S. Rani Tabab, District- Patna.
 2. Karmu Yadav@ Satya Prakash Himanshu @ Kumar Yadav@ Satya Prakash Himanshu Son of Rawneshwar Yadav@ Rawan Yadav Resident of Village- Pansuhi, P.S. Dulhin Bazar, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 09-04-2018 Heard the learned counsel for the petitioners, the learned A.P.P. for the State as also the learned counsel for the informant.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Dulhin Bazar P.S. Case No. 157 of 2016 for the offences punishable under sections 147, 148, 149, 341, 323, 452, 380, 354, 504 and 506 of the I.P.C and section 27 of the Arms Act.

The learned counsel for the petitioners at the very outset submits that the petitioners are named in the FIR but after completing investigation they have been found innocent and charge sheet has been submitted only against co-accused Uday Yadav and Pramod Yadav, vide Annexure-2, but the learned



A.C.J.M, 3rd, Danapur differing with the opinion of the investigating officer took cognizance against the petitioners also resulting the petitioners are apprehending their arrest. Earlier they were involved in one case wherein they are on bail.

The learned A.P.P. fairly submits that the police has not sent up the petitioners for trial but the learned counsel for the informant opposes prayer for pre-arrest bail of the petitioners by submitting that in the case diary there are sufficient materials against the petitioners and after perusal of the same cognizance has been taken.

In the facts and circumstances stated above, considering that the petitioners have not been sent up for trial by the investigating officer and as such the petitioners, in case of their arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M-III, Danapur, District-Patna in connection with the aforementioned case, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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