

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.35394 of 2018**

Arising Out of PS. Case No.-385 Year-2017 Thana- BANKA District- Banka

- 
1. Sanjay Yadav Son of late Kokay Yadav
  2. Shyam Yadav S/o late Kokay Yadav Both Resident of Village- Amba, Police Station- Banka, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

---

**Appearance :**

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Sri Akhileshwar Dayal

---

**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3      26-07-2018              Heard learned counsel for the petitioners and learned APP for the State.

Petitioners apprehend their arrest in Banka P.S. case no. 385 of 2017 instituted for the offence under Section(s) 341, 323, 325, 307, 379 and 504 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that there is case and counter case between the parties. The counter case has been lodged by petitioner no.2 vide Banka P.S. case no. 384 of 2017 against the informant and others. The occurrence has taken place for dispute of Rasta.

In the instant case the injury report of the informant has been annexed as Annexure 3 series wherein the doctor has found one lacerated wound over scalp which is opined to be simple in nature caused by hard and blunt substance.



There is no allegation of specific overt act against petitioner  
no.2

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 Banka P.S. case no. 385 of 2017 , 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 Banka, 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)**

shyambihari/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

