

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35439 of 2018

Arising Out of PS.Case No. -216 Year- 2017 Thana -MAKHDUMPUR District- JEHANABAD

- =====
1. Baijnath Yadav, Son of Late Kailash Yadav Resident of Village - Makarpur, P.S. - Makhdumpur, District -Jehanabad.
 2. Vinay Kumar @ Vinay Yadav, son of Rajnath Yadav, Resident of Village - Makarpur, P.S - Makhdumpur, District- Jehanabad.
 3. Binod Kumar @ Binod Yadav, Son of Rajnath Yadav, Resident of Village - Makarpur, P.S.- Makhdumpur, District- Jehanabad.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar, Advocate

For the Opposite Party/s : Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 28-06-2018 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Makhdumpur P.S. Case No. 216 of 2017 registered under Sections 341, 323, 379, 427 and 504 read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that the informant's husband and her father-in-law



have been made accused in a murder case being Makhdumpur P.S. Case No.104 of 2015 in which the petitioners have been made witnesses and just in order to put pressure upon the petitioners, the instant false case has been instituted. The falsity of the case would be manifest from the fact that even the date of occurrence is not mentioned in the written report of the informant. It is further submitted that all sections except section 379 of the Indian Penal Code are bailable in nature. Referring to the order impugned passed by the learned Additional Sessions Judge whereby the application for grant of pre-arrest bail has been rejected, it has been submitted that the court below has observed that the witnesses examined during investigation have not supported the allegation of commission of theft or assault.

Learned counsel for the State opposed the application for grant of pre-arrest bail.

Considering the nature of allegation made in the FIR and the submissions made above, in the event of arrest or surrender in the court below within six weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M.,



Jehanabad in connection with Makhdumpur P.S. Case No. 216
of 2017 subject to the conditions as laid down under Section
438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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