

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3676 of 2019

Arising Out of PS. Case No.-96 Year-2015 Thana- BIHRA District- Saharsa

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1. AKHILESH YADAV @ AKALES YADAV son of Kedar Yadav resident of village - Daurama Tola Dumma, P.s. - Bihar, District-Saharsa.
 2. Kailu Yadav @ Kolu Yadav son of Kedar Yadav resident of village - Daurama Tola Dumma, P.s. - Bihar, District-Saharsa.
 3. Arvind Yadav @ Kari Yadav son of Kedar Yadav resident of village - Daurama Tola Dumma, P.s. - Bihar, District-Saharsa.
 4. Shiv Shankar Yadav @ Siv Shankar Yadav son of Bilat Yadav resident of village - Daurama Tola Dumma, P.s. - Bihar, District-Saharsa.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anant Kumar 1

For the Opposite Party/s : Mr. Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 25-01-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Bihra P.S. Case No. 96 of 2015 for the offence under Sections 341, 323, 308, and 504/34 of the Indian Penal Code.

The First Information Report was registered in 2015. In course of investigation, the petitioners were given privilege under Section 41 of the Cr.P.C. The charge-sheet has now been submitted.

In that background, it is submitted that there is nothing to show that the petitioners ever misused the privilege so granted to them under Section 41 of the Cr.P.C. It has also been argued that whereas there is allegation of assault on the



informant's father by petitioner No.1 with a sharp cutting weapon, injury on him has been found to have been caused by hard and blunt substance, which belies the case of the prosecution.

Considering the facts and circumstances enumerated above, this application is allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on 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 learned A.C.J.M.-III, Saharsa in Bihra P.S. Case No. 96 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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