

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9680 of 2019

Arising Out of PS. Case No.-183 Year-2018 Thana- BELHAR District- Banka

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1. Sanichar Yadav Male aged about 45 years Son of-Late Mural Yadav
 2. Jhako Yadav Male aged about 55 years Son of-Late Domi Yadav
- Both Resident of Village- Murgia Tola, P.S.- Sangrampur, District- Munger.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv

For the Opposite Party/s : Mr.Suresh Prasad Singh,APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 19-02-2019 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 147,148,149,323,325,504,506 & 302 of the Indian Penal Code and Section 27 of Arms Act.

The informant is eye witness of the occurrence. Petitioners are not named in the FIR as assailant of the deceased rather name of the petitioners surfaced during investigation in the statement of the deceased as well as in the statement of mother of the informant who was also one of the injured. If the informant was eye witness of the occurrence, there was no reason that the name of the petitioners was not disclosed in the



FIR. Subsequent statement of two other witnesses creates doubt on the prosecution case for the purpose of consideration of prayer for anticipatory bail.

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

Considering the entire facts, 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 Belhar P.S.Case No. 183 of 2018, 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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