

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23960 of 2019

Arising Out of PS. Case No.-537 Year-2018 Thana- AMARPUR District- Banka

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1. SURESH YADAV Son of - Paitu Yadav, Resident of Village- Manjhi Kusaha, P.S.- Fullidumar, District- Banka.
 2. Dhokli Yadav, S/O- Paitu Yadav, Resident of Village- Manjhi Kusaha, P.S.- Fullidumar, District- Banka.
 3. Rohit Yadav, Son of - Niku Yadav, Resident of Village- Manjhi Kusaha, P.S.- Fullidumar, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vibhakar Kumar
For the Opposite Party/s : Mr.Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 17-04-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 324, 307, 504, 506 IPC registered in connection with Amarpur (Fullidumar) P.S. Case No. 537/2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute and in any event the accusation of assault with lathi, danda are general and omnibus in nature. The accusation of assault by petitioner no. 3 with axe on the head of the informant is not supported with the injury report which discloses grievous injury caused by hard blunt substance. All other injuries are simple in nature.

4. Considering the grievous injury caused to the informant by reason of assault by petitioner no. 3, this Court is not inclined to grant the privilege of anticipatory bail to him. The



anticipatory bail petition as against petitioner no. 3 stands dismissed.

5. As regards petitioner nos. 1 and 2, in the event of the petitioners arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner nos. 1 and 2 be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Banka, in connection with Amarpur (Fullidumar) P.S. Case No. 537/2018 subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

i. That one of the bailors shall be a close relative of the petitioner nos. 1 and 2.

ii. That the petitioner nos. 1 and 2 shall not indulge in any similar offence till conclusion of the trial.

iii. That the petitioner nos. 1 and 2 shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

iv. The petitioner nos. 1 and 2 shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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