

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37133 of 2019

Arising Out of PS. Case No.-19 Year-2018 Thana- SARMERA District- Nalanda

1. KAMESHHWAR YADAV Son of Late Jago Yadav Resident of Chhoti Kenar, P.S.- Sarmera, District- Nalanda
2. Mantu Yadav Son of Kameshwar Yadav Resident of Chhoti Kenar, P.S.- Sarmera, District- Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Premchandra Yadav

For the Opposite Party/s : Mr.Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 19-06-2019 Heard learned counsel for the parties

This application for anticipatory bail arises out of Sarmera P.S. Case N0. 19 of 2018, disclosing offences under Sections 341,323,384,307,302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The First Information Report is based on the *fardbeyan* of the deceased himself. Only one accused Arun Yadav is named in the First Information Report. Names of these petitioners surfaced in course of investigation on the basis of counter statement of the daughter of the deceased informant.

Learned counsel appearing on behalf of the petitioners has submitted that police have not found any material against these petitioners in course of investigation



and accordingly final form has been submitted showing no evidence against these petitioners. Learned Court below has, however, summoned these petitioners also differing with the police report to that extent.

Since the investigation is complete and the police did not chose to file charge-sheet against these petitioners, 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 Chief Judicial Magistrate, Nalanda at Biharsharif in Sarmera P.S. Case No. 19 of 2018, 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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