

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40937 of 2019**

Arising Out of PS. Case No.-156 Year-2019 Thana- SAUR BAZAR District-
Saharsa

- =====
1. SANTOSH YADAV @ SANTOSH KUMAR, male, aged about 38 years, Son of Sachchidanand Yadav Resident of Village- Kanp Tola, Lakshminiyan, P.S.- Sour Bazar, District- Saharsa
 2. Rupesh Yadav @ Rupesh Kumar, male, aged about 35 years, Son of Sachchidanand Yadav Resident of Village- Kanp Tola, Lakshminiyan, P.S.- Sour Bazar, District- Saharsa.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Amarnath Jha, Advocate.
For the Informant : Mr. Raja Surendra Moha, Advocate.
For the State : Mr. Pancha Nand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 04-07-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 448, 341, 323, 307, 379, 504, 506 of the Indian Penal Code and Section 25(1-B) a/26/27/35 of the Arms Act registered in connection with Sour bazar P.S. Case No. 156 of 2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute as the parties are agnates. The accusation of assault is general and omnibus without any specific assault attributed to the petitioners. Injuries resulting from the assault alleged against the petitioners are simple in nature. The petitioners claim clean antecedents.

4. Learned APP assisted by learned counsel for the



informant appears and opposes the anticipatory bail petition.

5. Be that as it may, 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 petitioners 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 Chief Judicial Magistrate, Saharsa in connection with Sour Bazar P.S. Case No. 156 of 2019, 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 of each of the petitioners shall be their close relatives other than the petitioners herein.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate 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) That the petitioners 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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