

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56269 of 2018

Arising Out of PS. Case No.-49 Year-2018 Thana- BIHRA District- Saharsa

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1. Shyam Yadav @ Shyamdeo Yadav.
 2. Sudhir Yadav. Both sons of Mahedra Yadav.
 3. Sanjeet Yadav @ Sanjeet Kumar, Son of Ramdeo Yadav. All residents of Village- Nandlali, P.S. Bihra, District Saharsa.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Chandra Mohan Jha, Advocate.
For the Opposite Party : Mr. Yogendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 06-02-2019 Vide order dated 08.01.2019, anticipatory bail application of petitioner no. 2 Sudhir Yadav has become infructuous as he has already been taken into judicial custody.

Heard learned counsel for the petitioner nos. 1 and 3 and learned A.P.P. for the State.

The petitioner nos. 1 and 3 are apprehending their arrest in a case for the offence registered under Sections 341, 323, 379, 308, 504, 506/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 14.03.2018 at about 10.30 A.M., son of the informant was sitting on his shop. In the meantime, F.I.R. named accused persons alongwith six unknown persons lased with deadly weapon came and started brutally assaulted him. When the informant came to



rescue him, he was also assaulted by accused persons with *Lathi, rod and Danda*. Both sustained head injuries. When brother of the informant came to rescue them, he was also assaulted by accused persons. Co-accused Sudhir Yadav and Mukesh Yadav fired three round and they looted articles which were kept in shop and petitioner no. 3 Sanjeet Yadav took two Mobiles and all the accused persons destroyed the shop and threatened them if they lodged the case in police station then they would be killed. Thereafter, injured were admitted in hospital.

It has been submitted by learned counsel for the petitioner nos. 1 and 3 that they have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against them. They have falsely been implicated in the present case. There is case and counter case between the parties. Injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hand.

On behalf of the learned counsel for the State, it has been submitted that the petitioner nos. 1 and 3 are named in the F.I.R.

Considering the aforesaid facts and circumstances, let



the petitioner nos. 1 and 3 above named (except petitioner no. 2 Sudhir Yadav), in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Saharsa, in connection with Bihra P.S. Case No. 49 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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