

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43337 of 2019

Arising Out of PS. Case No.-285 Year-2017 Thana- BELAGANJ District- Gaya

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1. MANGAR YADAV Son of Nokhi Yadav Resident of Village- Singhaul, Police Station- Belaganj and District- Gaya.
 2. Priyanshu Kumar Son of Mangar Yadav Resident of Village- Singhaul, Police Station- Belaganj and District- Gaya.
 3. Sanjay Kumar Son of Mangar yadav Resident of Village- Singhaul, Police Station- Belaganj and District- Gaya.
 4. Santosh Kumar Son of Mangar Yadav Resident of Village- Singhaul, Police Station- Belaganj and District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 15-07-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Belaganj P.S. Case No. 285 of 2017, disclosing offences under Sections 314,315 and 316 of the Indian Penal Code.

The First Information Report was registered on 21.07.2017, alleging that the informant's wife, who was pregnant at that point of time, had sustained injuries, in course of scuffle, which had taken place on 03.08.2017. A child was born on 12.08.2017 but subsequently died on 21.08.2018. The allegation that the newly born child died because of the injuries caused by the persons named in the First Information Report in the scuffle which had taken place



on 03.08.2017.

Learned counsel for the petitioners has submitted that no complaint of any nature was registered after 03.08.2017, (alleged date of occurrence), therefore, the case of the prosecution is *malicious*.

Considering the above submission, 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 Additional Chief Judicial Magistrate-XI, Gaya in Belaganj P.S. Case No. 285 of 2017, 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.

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(Chakradhari Sharan Singh, J)

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