

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44999 of 2019

Arising Out of PS. Case No.-176 Year-2014 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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1. Angad Singh @ Angad Yadav @ Angad Singh Yadav, S/o Shivjayee Singh Yadav R/o Village- Nibi, P.S.- Bhagwanpur, District- Kaimur at Bhabua.
 2. Shivjayee Singh Yadav S/o Late Indradeo Singh R/o Village- Nibi, P.S.- Bhagwanpur, District- Kaimur at Bhabua.
 3. Nirmal Yadav @ Nirmal Singh Son of Late Sumer Yadav R/o Village- Nibi, P.S.- Bhagwanpur, District- Kaimur at Bhabua.
 4. Jitendra Yadav @ Jitendra Singh Yadav Son of Late Sumer Yadav R/o Village- Nibi, P.S.- Bhagwanpur, District- Kaimur at Bhabua.
 5. Sanjay Yadav @ Sanjay Kumar Yadav S/o Nirmal Yadav R/o Village- Nibi, P.S.- Bhagwanpur, District- Kaimur at Bhabua.
 6. Birbal Yadav @ Birbal Singh S/o Shivnath Singh Yadav R/o Village- Nibi, P.S.- Bhagwanpur, District- Kaimur at Bhabua.
 7. Manoj Yadav @ Manoj Kumar Yadav S/o Lakhandeo Prasad Yadav R/o Village- Ganj Ka Dera, Ramnagar Diyara, P.S.- Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan
For the Opposite Party/s : Mr. Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-07-2019 Heard learned counsel for the petitioners and
learned counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with
Bhagwanpur P.S. Case No.176 of 2014, G.R. No.2444/14 for the
offence punishable under Sections 147, 148, 149, 448, 323, 325,
307, 504, 354(B), 380, 427, 436, 364, 341 of the Indian Penal
Code and 27 of Arms Act.



The allegation against the petitioners is that the petitioners entered into the house of the informant and outrage the modesty of female members, looted grains and valuables, assaulted one Haribansh Yadav and Harinarayan Yadav and set the house on fire.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case with oblique motive. He further submits that the incident has allegedly been taken place on 12.12.2014 but the FIR was lodged after delay of eight days, on 20.12.2014. Learned counsel also submits that for the same occurrence, another FIR bearing Bhagwanpur P.S. Case No.171 of 2014 was lodged against unknown person. Learned counsel for the petitioners relying upon Annexure '4' of this petition submits that police after investigation submitted final form not sending the petitioner for trial. He further submits that learned Magistrate has differed with the police report and has taken cognizance by order dated 15.02.2019.

Learned counsel for the informant vehemently opposed the prayer for bail and submits that the petitioners have ransacked the house of the informant after the murder of Haribansh Singh and they don't deserve the privilege of



anticipatory bail.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that the police after investigation has submitted final form not sending the petitioner for trial and further there is delay of about eight days in lodging the FIR without any explanation, as such, I am inclined to grant anticipatory bail to all these petitioners.

Accordingly, all the petitioners, named above, are directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Kaimur at Bhahua, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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