

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47496 of 2019

Arising Out of PS. Case No.-101 Year-2019 Thana- OBRA District- Aurangabad

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1. Chandeshwar Yadav Son of Late Mukhu Yadav Resident of Village - Sihuri, P.S. - Obra, District - Aurangabad.
 2. Upendra Yadav Son of Ram Prasad Yadav Resident of Village - Sihuri, P.S. - Obra, District - Aurangabad.
 3. Santosh Yadav Son of Chandeshwar Yadav Resident of Village - Sihuri, P.S. - Obra, District - Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar, Advocate
For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 31-07-2019 Learned counsel for the petitioners submits that the petitioner no.2, namely, Upendra Yadav has been arrested during the pendency of this application and, as such, his application for grant of anticipatory bail has rendered infructuous.

Accordingly, this application is dismissed as having become infructuous against the petitioner no.2.

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

In this case, the petitioner nos. 1 and 3 are seeking anticipatory bail in connection with Obra P.S. Case No. 101 of 2019, registered for the offence punishable under Sections 341,



323, 307, 504, 379/34 of the Indian Penal Code.

Allegation against the co-accused including the petitioners is to have assaulted the informant with rod and lathi causing injuries.

Looking to the entire facts and circumstances of the case, let the petitioner no.1, namely, Chandeshwar Yadav, be released on anticipatory bail in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad, in connection with Obra P.S. Case No. 101 of 2019 subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with a further condition that whenever the police will call the petitioner no.1 for the purposes of investigation and interrogation, he will remain present for the investigation. In the event of being absent on two consecutive dates without reasonable explanation, the present order will be treated to have been cancelled.

Looking to the nature of allegation, this Court is not inclined to grant bail to the petitioner no.3, namely, Santosh Yadav.



Accordingly, the prayer for bail is rejected.

However, if the petitioner no.3 surrenders before the Court below within four weeks from today and prays for regular bail, the Court below will consider the same and pass appropriate order without being influenced by the order of this Court.

(Shivaji Pandey, J)

V.K.Pandey/-

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