

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62905 of 2019

Arising Out of PS. Case No.-229 Year-2019 Thana- PALIGANJ District- Patna

1. SUNIL KUMAR @ SUNIL YADAV Son of Late Anant Yadav Resident of Village- Mohammadour, P.S.- Paliganj, District- Patna.
2. Anil Kumar @ Anil Yadav Son of Late Anant Yadav Resident of Village- Mohammadour, P.S.- Paliganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akshansh Ankit

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-11-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners seek bail in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 427, 379, 504, and 506 of the Indian Penal Code.

The prosecution case is that one Vikash Kumar, who happened to be informant of this case, lodged the aforesaid FIR, alleging therein that on 29.06.2019 at about 9PM in the night when he was taking rest at that time at about 10PM in the night accused persons including the petitioners Sunil Yadav and Anil Yadav along with some unknown persons told him to carry Poklen Machine into Sone river at 10PM. When the informant



refused to go then accused persons tried to carry away him forcibly. They were having lashed with Rifle, Gun and iron rod and carried away his Poplen forcibly. When he opposed they threatened to kill him and with intent to kill him petitioner Anil Yadav assaulted with iron rod on his head, who sustained head injury and he fell down on the ground. Thereafter petitioner, Sunil Yadav assaulted with butt of Rifle on his head and eye. When Brajesh came to save him, he was also assaulted brutally with iron rod and butt of rifle on his head and eye. Petitioner Sunil Yadav also snatched the key of Poplen on the point of pistol. He also snatched the golden chain and mobile phone and also broken the glass of Poplen.

Learned counsel for the petitioners submits that petitioners have been falsely implicated due to village politics. He submits that there is case and counter case between the parties. He submits that seven cases are pending against the petitioners in which the informant is the same. He submits that petitioners are languishing in judicial custody since 07.08.2019.

In the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned



Sub-Divisional Judicial Magistrate, Danapur in connection with
Paliganj Police Station Case No. 229 of 2019 subject to the
conditions that:

(I) Bailors should be local having sufficient
immovable property within the jurisdiction of the court
concerned.

(II) Petitioners shall co-operate in the trial and shall
be properly represented on each and every date fixed by the
court and shall remain physically present as directed by Court
and their absence on two consecutive dates without sufficient
reasons, their bail bond shall be cancelled by the court below.

(III) If the petitioners tamper with the evidence or the
witnesses of the case, in that case, prosecution will be at liberty
to move for cancellation of bail of the petitioners.

(Anjani Kumar Sharan, J)

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