

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13562 of 2020

Arising Out of PS. Case No.-396 Year-2019 Thana- SAUR BAZAR District- Saharsa

1. PANDAV YADAV S/o Late Devki Yadav Resident of Village- Tiri, Ward No.04, P.S.- Sour Bazar (O.P. Baijnathpur), Distt- Saharsa.
2. Kaurav Yadav @ Kaurav Kumar Yadav S/o Late Devki Yadav Resident of Village- Tiri, Ward No.04, P.S.- Sour Bazar (O.P. Baijnathpur), Distt- Saharsa.
3. Hasan Yadav S/o Late Kailash Yadav Resident of Village- Tiri, Ward No.04, P.S.- Sour Bazar (O.P. Baijnathpur), Distt- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh
For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-06-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders”
under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case
registered under Sections 147, 148, 149, 447, 341, 323, 327,
333, 353, 337, 307, 379, 427, 504, 506/34 of the Indian Penal
Code and 27 of the Arms Act.

Prosecution case in short is that the informant along with



police personnel having received secret information about collection of wine, reached the house of one Hasan Yadav and found 4-5 persons sitting at the door of Hasan Yadav who rushed towards the courtyard. One Mantosh Yadav was apprehended and was asked to cooperate but all of a sudden, 10 names and some unknown accused persons having armed with lathi, danda started hurling bricks, lathi, khanti etc and attacked upon the police.

It has been submitted on behalf of the petitioners that the petitioner No. 2 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, the petitioners, above named, 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 their personal bond to the satisfaction of



learned Chief Judicial Magistrate, Saharsa in connection with Sour Bazar (Bajinathpur O.P.) P.S. Case No. 396 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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