

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14201 of 2020

Arising Out of PS. Case No.-144 Year-2019 Thana- ATRI District- Gaya

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1. Jagat Yadav @ Jagat Kishore Yadav, Gender-Male, aged about 66 years, son of Late Hari Yadav
 2. Nagendra Yadav Gender-Male, aged about 45 years, Son of Jagat Yadav @ Jagat Kishore Yadav
 3. Shyam Bihari Yadav @ Shyam Bihari Prasad Yadav Gender-Male, aged about 22 years, Son of Jagat Yadav @ Jagat Kishore Yadav
- All are resident of Village- Pali, P.S.- Atri in the District of Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sunil Kumar, Advocate
For the Opposite Party : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 06-10-2020 At the very outset, learned counsel appearing on behalf of the petitioners submits that during the pendency of this application, petitioner no. 2, namely, Nagendra Yadav has been arrested by the police and as such, his application for anticipatory bail has become infructuous.

The application on behalf of petitioner no. 2, namely, Nagendra Yadav is dismissed as infructuous.

Heard learned counsel appearing on behalf of the petitioner nos. 1 and 3 and learned counsel appearing on behalf of the State.

Petitioner nos. 1 and 3, namely, Jagat Yadav @ Jagat



Kishore Yadav and Shyam Bihari Yadav @ Shyam Bihari Prasad Yadav are apprehending arrest in connection with Atri P.S. Case No. 144 of 2019 for offences under Sections 341, 323, 324, 307, 379, 504, 506 and 34 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioners submits that the petitioners have no criminal antecedent and there is case and counter case between the parties. Petitioner no. 1 is 66 years old.

Considering the fact that petitioner no.1, namely, Jagat Yadav @ Jagat Kishore Yadav is 66 years old, this Court is inclined to grant bail to him. Let petitioner no.1, namely, Jagat Yadav @ Jagat Kishore Yadav, in the event of arrest or surrender within one month from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-XIII, Gaya in connection with Atri P.S. Case No. 144 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far as petitioner no.3, namely, Shyam Bihari Yadav @ Shyam Bihari Prasad Yadav is concerned, considering the nature of allegation and gravity of the offence, this Court is not inclined to grant bail to him. His application is rejected.



However, in the event the petitioner no. 3, namely, Shyam Bihari Yadav @ Shyam Bihari Prasad Yadav surrenders before the court below and seeks regular bail, the court below shall consider and dispose of the same on its own merits on the same day without being prejudiced by the order of rejection of his application.

(Anil Kumar Upadhyay, J)

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