

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24840 of 2020

Arising Out of PS. Case No.-59 Year-2017 Thana- SONBERSA District- Saharsa

1. Prakash Yadav @ Jaiprakash Yadav S/o- Mahinarayan Yadav Resident of Village- Sirrahi, P.S.- Sonbarsa, District- Saharsa.
2. Mantun Yadav @ Parmanand S/o- Lt. Devnarayan Yadav Resident of Village- Sirrahi, P.S.- Sonbarsa, District- Saharsa.
3. Jano Yadav @ Janardan Yadav S/o- Lt. Inder Yadav Resident of Village- Sirrahi, P.S.- Saurbazar, District- Saharsa.
4. Ramanand Yadav S/o Lt. Devnarayan Yadav Resident of Village- Sirrahi, P.S.- Sonbarsa, District- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.
For the Opposite Party/s : APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 08-01-2021 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have filed the instant application for grant of anticipatory bail in connection with Sonbarsa Raj P.S. Case No.59 of 2017 registered under sections 302, 307 and other sections of the Indian Penal Code.

As per allegation in the FIR, the 39 named accused persons including the four petitioners herein as also ten to fifteen unknown persons came variously armed and brutally assaulted Navin Yadav, the son of the informant who was taken for treatment to the Saharsa Sadar Hospital and, thereafter, to



Darbhangha and P.M.C.H, Patna where he died in course of treatment.

It is submitted by learned counsel for the petitioners that from perusal of the FIR, it would transpire that the allegations are general and omnibus. For the same occurrence another FIR being Sonbarsa Raj P.S. Case No.49 of 2017 (Annexure-P/4) was registered by the police against unknown wherein it was stated that the informant herein was found in an injured condition by the road side. It is submitted by learned counsel for the petitioners that on investigation Final Form (Final Report) No.56 of 2019 dated 12.04.2018 was submitted stating the case to be false, however learned Magistrate, differing with the same has been pleased to take cognizance by order dated 16.05.2019. Hence this prayer for bail.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties, and taking into consideration the general and omnibus allegations in the FIR together with final form having been submitted by the police, the Court is inclined to enlarge the petitioners on anticipatory bail. The four petitioners are directed to surrender in the Court below within a period of eight weeks from today



and in the event of their arrest or surrender in connection with Sonbarsa Raj P.S. Case No.59 of 2017 they will be enlarged on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, VIth, Saharsa, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

Prakash Narayan /-

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