

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 28670 of 2020

Arising Out of PS. Case No.-100 Year-2017 Thana- KISHUNPUR District- Supaul

1. SHIV NARAYAN YADAV S/o Late Bahuri Yadav Resident of Village- Murli, Ward No.03, P.S.- Kishanpur, District- Supaul.
2. Surya Narayan Yadav S/o late Bahuri Yadav Resident of Village- Murli, Ward No.03, P.S.- Kishanpur, District- Supaul.
3. Kusheshwar Yadav S/o Late Shiv Narayan Yadav Resident of Village- Murli, Ward No.03, P.S.- Kishanpur, District- Supaul.
4. Bisheshwar Yadav S/o Shiv Narayan Yadav Resident of Village- Murli, Ward No.03, P.S.- Kishanpur, District- Supaul.
5. Binod Yadav S/o Devu Yadav @ Debu Yadav Resident of Village- Murli, Ward No.03, P.S.- Kishanpur, District- Supaul.
6. Bhado Yadav Son of Late Bahuri Yadav Resident of Village- Murli, Ward No.03, P.S.- Kishanpur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr Ataur Rahman, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

6 23-02-2021 Learned counsel for the petitioners seeks permission to withdraw this application in so far as petitioner No 1 Shiv Narayn Yadav is concerned. Permission is accorded.

This application is dismissed as withdrawn in so far as petitioner No 1 Shiv Narayan Yadav is concerned.

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

Petitioners No 2 to 6 apprehend arrest in



connection with Kishanpur Police Station (for brevity, *PS*) Case No 100 of 2017 instituted for the offence punishable under Sections 147, 341, 323, 324, 307, 379, 504, 506/34 of Indian Penal Code.

Learned counsel for the petitioners submits that prior to implication of the petitioner in the instant case, Kishanpur PS Case No 99 of 2017 was lodged from the petitioners' side. There is admitted subsisting land dispute between the parties and due to this, all the petitioners have been implicated. The specific allegation of causing the injury by means of *Farsa* is against petitioner No 1.

Learned APP for the State opposed the prayer for anticipatory bail in respect of petitioners No 2 to 6.

Considering the rival submissions, prayer for anticipatory bail in respect of petitioners No 2 to 6 above named is allowed.

In the event of surrender/arrest of petitioners No 2 to 6, named above, before the Court below, within four (04) weeks from today, they shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Supaul in Kishanganj PS Case No 100 of



2017 (GR No 935 of 2017) subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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