

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37439 of 2019

Arising Out of PS. Case No.-12 Year-2017 Thana- CHANDRAMANDI District- Jamui

1. CHHOTI YADAV S/o Parmeshwar Yadav, Resident of Village- Mogalatar, P.S.- Chakai, District- Jamui
2. Chunchun Yadav S/o Parmeshwar Yadav, Resident of Village- Mogalatar, P.S.- Chakai, District- Jamui.
3. Karu Yadav S/o Janki Yadav, Resident of Village- Basmuniya, P.S.- Chandramandih, Dist- Jamui
4. Naro Yadav S/o Janki Yadav, Resident of Village- Basmuniya, P.S.- Chandramandih, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha
For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 28-10-2021 Heard learned counsel for the petitioners and learned
counsel for the State.

In this case, the petitioners apprehend their arrest in connection with Chandramandih P.S. Case No. 12 of 2017 registered for offence punishable under sections 394, 395, 392, 307, 366, 387/34 of the Indian Penal Code and section 27 of the Arms Act.

The prosecution case in brief is that the informant Dharmendra Yadav filed a Complaint Case No. 1579c/2019, alleging therein that he had purchased a tractor from loan of



Union Bank of India and running the tractor for agriculture and other business purpose. On 11.12.2016, when the informant along with other labourers were returning with tractor after working, then accused persons came with loaded pistol and snatched a mobile. Co-accused Pankaj Yadav took Rs.3000/- cash.

Learned counsel for the petitioners has submitted that the petitioners are innocent and they have falsely been implicated in this case. He has further submitted that co-accused has been granted anticipatory bail by the court below.

It appears that the anticipatory bail petition of these petitioners was rejected, vide order dated 10.08.2017 in Cr. Misc. No. 28797 of 2017 by a coordinate Bench. After rejection, the petitioners did not surrender and after lapse of two years, they again filed this criminal application.

Due to non-surrender of the petitioners before the court below, the trial is held up for near about five years. In these circumstances, I do not find it to be a fit case for grant of anticipatory bail.

Accordingly, the prayer for bail of the petitioners is rejected. The petitioners are directed to surrender before the court below and pray for regular bail. If petitioners surrender



within a period of four weeks, the court below shall consider the
prayer for regular bail without being prejudiced by this Court.

(Nawneet Kumar Pandey , J)

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