

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1404 of 2021

Arising Out of PS. Case No.-72 Year-2020 Thana- BAUNSI District- Banka

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1. RAM NARESH YADAV Son of Amir Yadav Resident of Village - Kushwadia, Police Station - Bousi, District - Banka.
 2. SHYAM YADAV Son of Amir Yadav Resident of Village - Kushwadia, Police Station - Bousi, District - Banka.
 3. BISHNU YADAV @ BISHNU PRASAD RAUT Son of Jageshwar Yadav Resident of Village - Sitalal Dungal, Police Station - Bousi, District - Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate
For the Opposite Party/s : Mr.Panchanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-07-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Further, counsel for the petitioners is permitted to make necessary correction in paragraph 1 of the bail application.

Counsel for the petitioners seeks permission to withdraw the present application filed on behalf of petitioner No.1 as the petitioner No.1 has been taken into judicial custody.

Permission is accorded.



The application filed on behalf of petitioner No.1 is dismissed as withdrawn.

The petitioners No.2 and 3 are apprehending their arrest in a case registered under Sections 147, 148, 341, 342, 323, 325, 324, 326, 307 of the Indian Penal Code and 27 of the Arms Act.

Allegation is that the petitioners fired gun shot from their pistols upon the informant and his family members, as a result of which Mannu Yadav, Moti Yadav and Tuntun Yadav sustained injuries on their bodies. Accused Awadhesh Kumar and Manish Kumar assaulted the informant parties with iron rod causing injury.

It has been submitted on behalf of the petitioners No.2 and 3 that the petitioners No.2 and 3 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners No.2 and 3. The petitioners No.2 and 3 have falsely been implicated in the present case. It is a case and counter case between the parties. Free fight is alleged to have taken place. The injuries on the side of the accused persons have not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the



petitioners No.2 and 3 are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioners No.2 and 3, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Bousi P.S. case No.72 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners No.2 and 3 will furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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