

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17265 of 2021**

Arising Out of PS. Case No.-348 Year-2019 Thana- MAKHDUMPUR District- Jehanabad

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1. Surbind Yadav Son Of Dinesh Yadav Resident Of Village- Makarpur , P.S-  
Makhdumpur, Dist- Jehanabad
2. Dinesh Yadav Son Of Shiv Balak Yadav Resident Of Village- Makarpur P.S-  
Makhdumpur, Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Binod Kumar Paswan

For the Opposite Party/s : Mr. A.G

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

4      17-01-2022                      Heard learned counsel for the petitioners and  
  
learned APP for the State.

Learned counsel for the petitioners is expected  
  
to honour his undertaking given in the instant case for  
  
depositing the requisite court fee and to remove the  
  
defects as pointed out by the office when called upon to  
  
do so by the office.

The petitioners are apprehending their arrest in  
  
a case registered for the offences punishable under  
  
Sections 302/34 of the Indian Penal Code.

It is alleged that all the accused persons



including the petitioners assaulted the family members of the informant. It is specifically alleged against co-accused Shrawan Kumar that he assaulted with Garasa on the head of son of the informant namely Sanjeev Kumar who subsequently succumbed to the injuries during treatment.

It is submitted by learned counsel for the petitioners that after investigation charge-sheet was submitted and the petitioners were not sent up for trial but thereafter learned S.J.D.M, Jehanabad took cognizance against the petitioners. The petitioners are agnates of the informant and no specific overt act is alleged against the petitioners. It is further submitted that the witnesses in para 71, 72 and 73 of the case diary also did not support the complicity of the petitioners in the present case. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

In the facts and circumstance of the case, let



the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Jehanabad in connection with Makhdumpur P.S. Case No. 348 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Sunil Kumar Panwar, J)**

Shageer/-

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