

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37122 of 2022

Arising Out of PS. Case No.-274 Year-2020 Thana- ISLAMPUR District- Nalanda

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1. DILIP YADAV SON OF RAM VINAY YADAV R/O- VILL-
MALAHCHAK, P.S.- HULASGANJ, DIST.- JEHANABAD
 2. SANJEEV YADAV SON OF RAM VINAY YADAV R/O- VILL-
MALAHCHAK, P.S.- HULASGANJ, DIST.- JEHANABAD
 3. SHYAM KISHORE YADAV SON OF RAM VINAY YADAV R/O- VILL-
MALAHCHAK, P.S.- HULASGANJ, DIST.- JEHANABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh
For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-02-2023 Heard the parties.

The petitioners apprehend their arrest in a case registered for the offence punishable under sections 302/34 of the Indian Penal Code.

As per the FIR, due to land dispute, the petitioners and other co-accused persons always used to threaten the informant and his family for dire consequences. It is alleged that on the date of occurrence, when the brother of the informant was sleeping on the roof of Anganwari Centre, the petitioners in connivance with other co-accused persons killed the brother of the informant near railway line.



It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. The petitioner and informant are family members. He further submits that the petitioners have been made accused in the present case merely on the basis of suspicion. There is no eye witness in the present case. He further submits that there is no material available against the petitioners in the entire case diary. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail and submits that some of the independent witnesses have supported the prosecution case.

Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned



court below where the case is pending/Successor Court in connection with Islampur P.S. Case No.274 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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