

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22339 of 2014

Arising Out of PS.Case No. -47 Year- 2013 Thana -KHUDWAN District- AURANGABAD

1. Bijendra Singh Son of Sri Ram Parikha Singh resident of village-
Meghpur, P.S.- Khudwa, District- Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.25332 of 2014

Arising Out of PS.Case No. -47 Year- 2013 Thana -KHUDWAN District- AURANGABAD

1. Laxman Bhuiyan
2. Suresh Bhuiyan Son of Sohrai Bhuiyan
3. Sohrai Bhuiyan Son of Late Gajadhar Bhuiyan All Resident of Village -
Kadiyahi Jole Bhiyan Bigha, P.S.- Obra District - Aurangabad (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.37897 of 2014

Arising Out of PS.Case No. -47 Year- 2013 Thana -KHUDWAN District- AURANGABAD

1. Nagendra Singh @ Narendra Kumar Singh son of Ramsubhag Singh @
Lakhu Singh resident of village - Chanda, P.S. - Khudwan, District -
Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

with

Criminal Miscellaneous No.38428 of 2014

Arising Out of PS.Case No. -47 Year- 2013 Thana -KHUDWAN District- AURANGABAD

1. Naresh Yadav son of Krishna Yadav resident of village - Kusha, P.S. -
Obra, District - Aurangabad (Bihar).

.... Petitioner/s



Versus

1. The State of Bihar.

..... Opposite Party/s

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with

Criminal Miscellaneous No.44942 of 2014

Arising Out of PS.Case No. -47 Year- 2013 Thana -KHUDWAN District- AURANGABAD

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1. Veyas Paswan @ Vyas Paswan S/o Shri Parikha Paswan Resident of Village Simrahua, P.S. Feshar, District Aurangabad.

..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

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with

Criminal Miscellaneous No.45322 of 2014

Arising Out of PS.Case No. -47 Year- 2013 Thana -KHUDWAN District- AURANGABAD

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1. Kapil Yadav Son of Sivbarat Yadav @ Bipat Yadav Resident of Village- Lahasa, P.S.-Khudwan, District-Aurangabad.

..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

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with

Criminal Miscellaneous No.48934 of 2014

Arising Out of PS.Case No. -47 Year- 2013 Thana -KHUDWAN District- AURANGABAD

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1. Devi Lal @ Munilal Yadav S/o Surajdeo Yadav resident of Village - Ajan, P.S. - Goh, District - Aurangabad.

..... Petitioner/s

Versus

1. The State of Bihar.

..... Opposite Party/s

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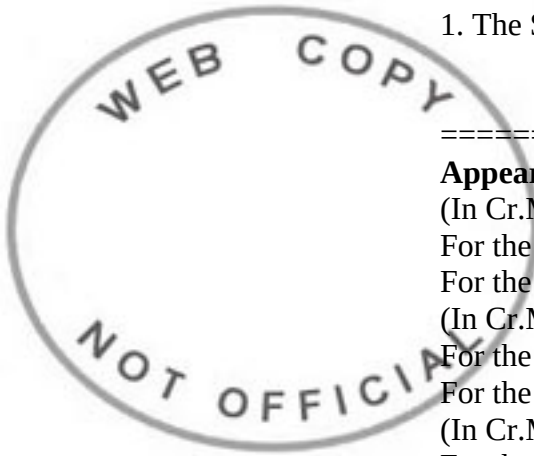
with

Criminal Miscellaneous No.27689 of 2014

Arising Out of PS.Case No. -47 Year- 2013 Thana -KHUDWAN District- AURANGABAD

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1. Baban Yadav Son of Sheo Narayan Yadav resident of Village- Kusha, P.S- Obra, District- Aurangabad.



.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.22339 of 2014)

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. S.D.Singh Yadav, APP

(In Cr.Misc. No.25332 of 2014)

For the Petitioner/s : Ms. Leelawati Kumari, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

(In Cr.Misc. No.37897 of 2014)

For the Petitioner/s : Mr. Sunil Kumar Dubey, Advocate

For the Opposite Party/s : Mr. Ajay Kumar 1, APP

(In Cr.Misc. No.38428 of 2014)

For the Petitioner/s : Mr. Rajendra Singh, Advocate

For the Opposite Party/s : Mr. Gajendra Prasad Yadav, APP

(In Cr.Misc. No.44942 of 2014)

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. S.M.Rahman, APP

(In Cr.Misc. No.45322 of 2014)

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

(In Cr.Misc. No.48934 of 2014)

For the Petitioner/s : Mr. Rakesh Singh, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

(In Cr.Misc. No.27689 of 2014)

For the Petitioner/s : Mr. Sanjay Kumar @ Manu, Advocate

For the Opposite Party/s : Mr. R.B.S.Pahepuri, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

4 06-01-2015

Heard learned Counsel for the petitioners and the State.

The petitioners seek bail in a case instituted for the offence under Sections 147, 148, 149, 427, 302 of the Indian Penal Code as well as ¾ BDPP Act and 3, 4, 5 of Explosive Substance Act and 17 of C.L.A. Act and 10/20 of UPPA Act.

Considering that the Petitioners were either identified by a big mob of people or were later named in the confessional



statement, let the petitioners above named, be released on bail on furnishing bail bond of Rs. 5,000/-(Five thousand) each with two sureties of the like amount each or any other surety to be fixed by the court concerned to the satisfaction of Sri Binay Shankar, J.M., 1st class, Daudnagar, Aurangabad/ Chief Judicial Magistrate, Aurangabad/S.D.J.M., Daudnagar, Aurangabad in connection with Khudwan P.S. Case No.47 of 2013.

As regards Petitioners of Cr.Misc.No.22339 of 2014, Cr.Misc.No.25332 of 2014, Cr.Misc.No.37897 of 2014, Cr.Misc.No.44942 of 2014, Cr.Misc.No.45322 of 2014, Cr.Misc.No.48394 of 2014, the conditions are as follows: (i) That one of the bailor 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 undertake to furnish information to the Court about any change in address of the petitioners, (ii) That the bailor shall also state on affidavit that he will inform the court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iii) That the petitioners will give an undertaking that they will receive the police papers on the given date and be present on date fixed for charge and if they

fail to do so on two given dates and delay the trial in any manner, their bail will be liable to be cancelled for reasons of misuse, (iv) That the petitioners will be well represented on each date if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

In view of the antecedents of the petitioners, the petitioners are directed to appear before the Superintendent of Police, Aurangabad within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioners will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

As regards Petitioners of Cr.Misc.No.38428 of 2014 and Cr.Misc.No.27689 of 2014, namely, Naresh Yadav and Baban Yadav, it is made clear that since they have no criminal antecedents, the conditions are as follows: (i) That one of the bailor 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 undertake to furnish information to the Court about any change in address of the petitioners, (ii) That the affidavit shall clearly state that the petitioners are not an accused in any other case and if they are they shall not be released on bail, (iii) That the bailor shall also state on affidavit that he will inform the court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iv) That the petitioners will give an undertaking that they will receive the police papers on the given date and be present on date fixed for charge and if they fail to do so on two given dates and delay the trial in any manner, their bail will be liable to be cancelled for reasons of misuse, (v) That the petitioners will be well represented on each date if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

(Anjana Prakash, J)

Narendra/-

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