

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18923 of 2015

Arising Out of PS.Case No. -224 Year- 2014 Thana -ARA MUFFSIL District- BHOJPUR

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1. Raju Yadav
2. Rajesh Kumar
3. Rabindra Yadav
All son of Sri Ram Kewal Yadav
4. Ram Bachan singh Sons of Late Nandu Singh
5. Ajay Yadav Son of Sri Shiv Kewal Yadav
All resident of village- Gothahula Police station - Ara Mufasil, District-
Bhojpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamlesh Prasad Yadav, Advocate.

For the Opposite Party/s: Mr. Awadhesh Kr. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 18-06-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for offence under Sections 147, 148, 149, 307, 323, 324, 337, 341, 379, 504 and 506 of the Indian Penal Code and the fact that there is not only an omnibus and vague allegation of assault by as many as 11 persons including the petitioners but also that there is a counter version of the same occurrence by way of retaliation for ploughing land of the petitioners against the prosecution party of the present case wherein four persons have received simple injuries on their scalp and shoulders, this Court, keeping in view that the petitioners claim to have no criminal antecedent, would find them entitled for grant of privilege of anticipatory bail.

That being so, if the petitioners, namely, Raju Yadav,

Rajesh Kumar, Rabindra Yadav, Ram Bachan Singh and Ajay Yadav surrender before the court below within a period of four weeks from today, they shall be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bhojpur at Ara in connection with Ara Muffasil PSCase No. 224/14 subject to the following conditions:

- (i) That the court below shall make verification of criminal antecedent of the petitioners and if it is found that they are accused in any other criminal case, they shall not be granted bail and would be taken into custody.
- (ii) That both the bailors will be close family relatives of the petitioners, who will undertake an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the court if there is any change in the addresses of the petitioners.
- (iii) That the affidavit shall clearly state that the petitioners are not accused in any other case and if they are, they shall not be released on bail.
- (iv) That the bailors shall also state on affidavit that they 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 their bail on the ground of misuse.

- (v) That the petitioners will be well represented on each and every date in course of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

Sujit/-

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