

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38663 of 2014

Arising Out of PS.Case No. -54 Year- 2013 Thana -RANIGANJ District- ARRARIA

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1. Dev Narayan Yadav Son of Tirtha Nath Yadav
2. Sushil Yadav Son of Tirtha Nath Yadav
3. Binod Rishi @ Binod Rishideo Son of Bilat Rishideo
All are resident of Village Gopalpur Tola Satwar P.S. Raniganj, District Araria.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. P.N.Pandit (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 13-03-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under sections 341, 323, 325, 307/34 of the Indian Penal Code and section 27 of the Arms Act and that the allegation of firing in course of investigation was confined only against petitioner no.2, Sushil Yadav and the police in fact had submitted a final form whereafter the learned Magistrate differing with the police report had taken cognizance, this Court in view of allegation against Sushil Yadav will not be inclined of granting him anticipatory bail and as such, his prayer for anticipatory bail is hereby rejected.

The case of the two petitioners, namely, Dev Narayan Yadav and Binod Rishi @ Binod Rishideo however being different and their being no specific allegation of overt act against



them and they also having no criminal antecedent, if they would surrender in 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/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria in Raniganj P.S. Case No. 54/2013 (G.R.No. 620/2013), subject to the following conditions:

(i) That both the bailors will be a close relative of the petitioners who will give 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 address of the petitioners.

(ii) That the court below shall verify the criminal antecedent and release them on bail only on being satisfied that they have no criminal antecedent.

(iii) That the bailors 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 the 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 the 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 and every date 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.

surendra/-

(Mihir Kumar Jha, J)

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