

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41389 of 2014

Arising Out of PS.Case No. -135 Year- 2014 Thana -PARWATTA District- KHAGARIA

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1. Naresh Yadav Son of Late Ambika Yadav
2. Shyam Yadav Son of Late Gena Yadav
3. Ranbir Yadav Son of Chandradeo Yadav
4. Fucho Yadav @ Kumar Son of Naresh Yadav
5. Indradeo Yadav Son of Ambika Yadav
6. Folti Yadav @ Falti Yadav Son of Late Ram Prakash Yadav
7. Chandradeo Yadav Son of Ambika Yadav All Resident of Village- Lagav
Chhoti, P.S.- Parbatta, District -Khagaria

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. M.K.Khare, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 20-03-2015 Learned counsel appearing on behalf of the petitioners at the very outset submitted that the petitioner no.3- Ranbir Yadav has been apprehended by the police during the pendency of the present application. Therefore, the present matter, so far the petitioner no.3 is concerned, has become infructuous. Accordingly, the prayer for anticipatory bail made on behalf of the petitioner no.3- Ranbir Yadav is rejected as infructuous.

Heard.

The petitioner no. 2, 4,5,6 and 7, namely, Shyam Yadav, Fucho Yadav @ Kumar, Indradeo Yadav, Folti Yadav @ Falti Yadav and Chandradeo Yadav, respectively, apprehend their arrest in a criminal prosecution registered under Sections 307/149 and some other minor offences under the Indian Penal Code as also under Section 27 of the Arms Act.

Taking into consideration the fact that there is specific allegation of firing against co-accused Munna Yadav causing

injury to the members of the prosecution party and further taking into consideration the fact that so far these petitioners are concerned, they are not alleged to have caused any injury to any member of the prosecution party, save and except that they were also members of the mob and also taking into consideration that the petitioners are said to be the men of fair antecedent, the prayer for anticipatory bail made on their behalf is allowed.

In the event of their arrest or surrender in the court below within a period of four weeks from today, the petitioner no. 2, 4,5,6 and 7, namely, Shyam Yadav, Fucho Yadav @ Kumar, Indradeo Yadav, Folti Yadav @ Falti Yadav and Chandradeo Yadav shall be enlarged on bail on furnishing bail bond of Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Parbatta P.S. Case No. 135 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr. P. C. and subject to further conditions that:

- (A) One of the bailors must be government servant or close family members of the petitioners, who will file an affidavit in the court below showing his/her relationship with the petitioners,
- (B) if the petitioners are found involved in same and similar nature of cases in future, then in that case the informant/ prosecution shall be at liberty to file a petition for cancellation of the bail of the petitioners, and if such a petition is filed, then the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned and

(C) the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every dates, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel their bail bonds.

(Birendra Prasad Verma, J)

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