

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46637 of 2015

Arising Out of PS.Case No. -127 Year- 2015 Thana -BUXAR INDUSTRIAL District- BUXAR

- =====
1. Jai Prakash Yadav, son of Sri Chabila Yadav, R/o village- Kattawa Narayanpur, District – Baliya, &
 2. Dinesh Yadav, son of Sri Ram Ashiya Singh Yadav, R/o village + P.O. Surtapur, Distt. Gazipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kritya Nand Jha, Advocate
For the Opposite Party/s : Mr. Rajesh Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

2/ 15-10-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners apprehend their arrest in a case instituted for the offence under Section(s) 379, 411, 420, 120-B Indian Penal Code and Section 21 of the Air Pollution Act.

Considering that the Petitioners are the Truck owner and Driver and the coal owner has already been released on anticipatory bail vide Annexure-3, it is ordered that in the event of surrender/arrest of the Petitioners, named above, who have fair antecedents, within four weeks from the date of receipt/production of a copy of this order in connection with Buxar (I) P.S. Case No.127 of 2015, they shall be released on anticipatory bail on furnishing bail bond of ₹5,000/- (five thousand) each with two sureties of the like amount each or any other surety to be fixed by the court below to the satisfaction of the Chief Judicial Magistrate,

Buxar, subject to the conditions as laid down under Section 438(2) Cr. P. C. and (i) That one of the bailors 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 bailors will undertake to furnish information to the court about any change in the address of the Petitioners, (ii) 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, (iii) 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 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 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, and (v) That the Petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

JA/-

(Anjana Prakash, J)

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