

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45943 of 2015

Arising Out of PS.Case No. -30 Year- 2015 Thana -SIMULTALA District- JAMUI

1. Govind Yadav
2. Babulal Yadav
Both sons of late Lalu Yadav. resident of village- Siyatanr, P.S.- Simultalla,
District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Mahto
For the Opposite Party/s : Mr. Shantanu Kumar(App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 02-11-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 147, 341, 323, 324, 307, 379/34 of the Indian Penal Code and that the petitioner no.1 has got no criminal antecedent and in fact is said to have sustained himself an injury in the hand of the prosecution party, while this Court is inclined to grant privilege of anticipatory bail to the petitioner no.1 but, the same privilege cannot be given to the petitioner no.2 who, along with the petitioner no.1 as well as one Singhasan Yadav, is said to have assaulted in which as many as five persons have sustained injuries on other side.

That being so, the prayer for anticipatory bail of the

petitioner no.2, namely, Babulal Yadav is rejected.

If the petitioner no.1, namely, Govind Yadav surrenders within a period of four weeks from today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Jamui in connection with Simultalla P.S. Case No. 30 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

(i) That both the bailors will be a close relative of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is, he shall not be released on bail.

(iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his 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 petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

Nothing said in this order shall come in the way of the petitioner no.2, namely, Babulal Yadav in surrendering and seeking regular bail on any ground including the fact that the co-accused Singhasan Yadav has also been granted regular bail.

(Mihir Kumar Jha, J)

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