

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49767 of 2015

Arising Out of PS.Case No. -344 Year- 2012 Thana -BRAHMPUR District- BUXAR

- =====
1. Banka Yadav Son of Late Vishwanath Yadav
 2. Ram Chandra Yadav @ Ram Chanar Yadav S/o Vishwanath Yadav
Both Resident of Village-Chakka, (Chuni Dera), P.S.-Brahmpur
(Chakki), District-Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey

For the Opposite Party/s : Dr. Ravindra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 04-11-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 147, 148, 149, 341, 323, 427, 447 of the Indian Penal Code and Sections 27 of the Arms Act, this Court, taking into account that there is a omnibus allegation of assault on as many as against 23 persons including the petitioners and the resultant injury has been found at best only on two persons and that there is also a counter version in which also injury was caused and in the counter case, the accused persons have been granted anticipatory bail, this Court would be inclined to grant privilege of anticipatory bail to the petitioners specially when they have also got no criminal antecedent.



That being so, if the petitioners, namely, Banka Yadav and Ram Chandra Yadav @ Ram Chanar 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/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Buxar in connection with Brahmpur (O.P. Chakki) P.S. Case No. 344 of 2012, 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 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 address of the petitioners.
- (ii) That the affidavit shall clearly state that the petitioners are not an 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 re 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 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)

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