

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49821 of 2015

Arising Out of PS.Case No. -272 Year- 2015 Thana -BODHGAYA District- GAYA

1. Birendra Yadav son of Peeta Yadav,
2. Sikandar Yadav son of Peeta Yadav,
3. Binod Yadav son of Late Shiv Yadav,
4. Jagiya Devi W/o Late Shiv Yadav, Resident of the village- Netupur, P.S.
Bodh Gaya. District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Mr. L.K.Sharma(App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 05-11-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under section 302/34 of the Indian Penal Code and section 3/4 of the Prevention of Witch Practices Act and that not only co-accused Vijay Yadav, Moan Yadav and Dhananjay Yadav having identical allegation have been granted privilege of anticipatory bail by an order dated 15.10.2015 in Cr.Misc.No. 47986/2015 but there is also an omnibus allegation against the petitioners and that too after a period of four months from the date of occurrence in the petition of complaint filed by the complainant which ultimately has been made the basis of the police case, this Court by taking into account that the petitioners also have got no criminal antecedent would be inclined to grant privilege of anticipatory bail.



That being so, if the petitioners, namely, 1. Birendra Yadav, 2. Sikandar Yadav, 3. Binod Yadav and 4. Jagiya Devi, 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 the Chief Judicial Magistrate, Gaya in Bodh Gaya P.S. Case No. 272/2015, subject to the following conditions:

(i) That the court below shall make verification of criminal antecedent of the petitioners and if it is found that they are accused in any other criminal case, they shall not be granted bail and would be taken into custody.

(ii) 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.

(iii) That the bailor 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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