

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38998 of 2014

Arising Out of PS.Case No. -39 Year- 2013 Thana -KHUTAUNA District- MADHUBANI

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1. Raj Kumar Yadav @ Ram Kumar Yadav @ Nepali S/o Rajeshwar Yadav Resident of Village -Fulkaha Kari Goth Chowk, P.S. Dhangadhi, District Sirha, Country- Nepal.
 2. Ajeet Mandal @ Ajit Mandal S/o Ishki Lal Mandal, Resident of Village Murarpatti, P.S. Khutauna, District Madhubani.
 3. Shyam Deo Khatwe S/o Ravi Khatwe, Resident of Village- Khusiyalpatti Naya Tola, P.S. Khutauna, District Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav

For the Opposite Party/s : Mr. Satyendra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 14-01-2015 Heard learned counsel for the petitioners and learned
counsel for the State.

In this case, petitioners are seeking bail in connection with Khutauna P.S. Case No. 39 of 2013 registered for offences under sections 147, 148, 149, 341, 323, 325, 307, 326, 386, 324 and 364 of the Indian Penal Code.

Allegation has been made that petitioners and other co-accused persons surrounded the victim and demanded Rs. 50,000/-. When the victim refused to pay whereupon all the accused persons named in the FIR forcibly took away the victim and mercilessly assaulted him. Specific allegation has been made

against Bimal Sah of causing injury by butt of gun which resulted into oozing out blood from the mouth of the victim and two teeth were broken away.

Allegation has also been made against Rajyugat Gupta, Ram Tahal Yadav, Mukesh Yadav for firing gun and further allegation has been made of causing assault by fists and slaps.

The counsel for the petitioners submits that there is a specific allegation against one of the accused persons, Bimal Sah, who has been granted bail and other co-accused persons Mukesh Yadav and others have been granted bail in Cr. Misc. No. 21936 of 2014, Narsingh Yadav and another have been granted bail in Cr. Misc. No. 299 of 2014 and Dhansi Mandal @ Ghansi Mandal has also been granted bail in Cr. Misc. No. 1141 of 2014.

Looking to the facts and circumstances of the case, let petitioners, above named, be released on bail on their furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Jhanjharpur, Madhubani in connection with Khutauna P.S. Case No. 39 of 2013, subject to the condition that (i) one of the bailors shall be close relative of the petitioners (ii) if petitioners are found involved in future in similar

type of case, the prosecution will be at liberty to make prayer for cancellation of their bail and the court below will pass necessary order, including cancellation of bail and (iii) petitioners would cooperate in the proceeding of the court below. In event of failure to appear on two consecutive dates, the court below will be at liberty to pass the order, including cancellation of bail bonds.

(Shivaji Pandey, J)

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