

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40626 of 2014

Arising Out of PS.Case No. -83 Year- 2013 Thana -SABAUR District- BHAGALPUR

- =====
1. Bijay Yadav Son of Late Lakhi Yadav resident of village- Mirzapur, Police Station- Sabour, District- Bhagalpur
 2. Dheeraj Kumar Yadav Son of Tarni Yadav resident of village- Mirzapur, Police Station- Sabour, District- Bhagalpur.
 3. Ram Lal Pandit Son of Late Hargovind Pandit resident of village- Mansarpur, Police Station- Sabour, District- Bhagalpur.
 4. Bajrangi Paswan Son of Late Kripale Paswan Resident of village- Mirzapur, Police Station- Sabour, District- Bhagalpur
 5. Rajiv Yadav Son of Rai Prasad Yadav resident of village- Mirzapur, Police Station- Sabour, District- Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar

For the Opposite Party/s : Mr. Madan Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 13-03-2015

Heard.

The petitioners apprehend their arrest in a criminal prosecution registered under Sections 307, 353, 379 and some other allied offences under the Indian Penal Code.

It is submitted that the petitioners are daily wage employees of Sabour Agricultural University and for fulfilment of their grievances they had organized a protest before the Vice Chancellor of the University. It is contended that as per F.I.R. vide Annexure-1 also 300 persons had assembled there and allegations against them are general and omnibus in nature. There is no specific allegation against any of these petitioners for causing any specific injury to any person. It is also highlighted that some other co-accused with identical allegations have already been granted anticipatory bail by this Court vide orders as contained in Annexure-3 series. It is further highlighted that the

petitioners have clean antecedent and no other criminal case excepting the present one is pending against them.

The learned Additional P.P. though opposed the prayer, but could not dislodge the submissions made on behalf of the petitioners.

Taking into consideration the aforesaid aspects, the prayer for anticipatory bail of the petitioners is allowed. In the event of their arrest or surrender in the court below within a period of four weeks from today, they shall be enlarged on bail on furnishing bail bond of Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, , Bhagalpur in connection with Sabour P.S. Case No. 83 of 2013, subject to the condition as laid down under Section 438(2) of the Cr. P. C. and subject to further conditions that:

- (A) One of the bailors must be government servant or close family member of the petitioners, who will file an affidavit in the court below showing his/her relationship with the petitioners,
- (B) if the petitioners are found involved in same and similar nature of cases in future, then in that case the informant/ prosecution shall be at liberty to file a petition for cancellation of the bail of the petitioners, and if such a petition is filed, then the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned and
- (C) the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by

their lawyer on each and every dates, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel their bail bonds.

(Birendra Prasad Verma, J)

BTiwary/-

U		T	
---	--	---	--