

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40517 of 2014

Arising Out of PS.Case No. -102 Year- 2014 Thana -ARA MUFFSIL District- BHOJPUR

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1. Mira Devi Wife of Ghouthoul Yadav
2. Ghouthoul Yadav Son of Sri Jhapasi Yadav
3. Buteshwar Yadav @ Bateshwar Yadav Son of Ghouthoul Yadav All R/o
Village Bashantpur, P.S. Ara (Mufassil), Dhobana O.P. in the district of
Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma, Advocate

For the Opposite Party/s : Mr. Ambika Bhagat(Spl.P.P.)

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 04-03-2015 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest for the
offences alleged under Sections 302, 34 IPC and Sections
3(ii) (v) of the SC/ST Act registered in connection with Ara
(Mufassil) (Dhobaha) P.S. Case No. 102 of 2014.

3. It is submitted that the petitioners have been
falsely implicated and in any event the accusation of assault
is only against co-accused Tarkeshwar Yadav who is said to
have hit the informant's wife with a piece of brick leading to
her death. Even on the averments in the FIR the accusations
under S.C./S.T. Act are not attracted as the incident is not
in public place.

4. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioners arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of Smt. Namita Singh, learned Judicial Magistrate Ist Class, Ara, in connection with Ara (Mufassil) (Dhobaha) P.S. Case No. 102 of 2014, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

(i) The petitioners shall cooperate with the investigation and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(ii) The petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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