

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18736 of 2015

Arising Out of PS.Case No. -101 Year- 2014 Thana -BISHWAMBHARPUR District- GOPALGANJ
=====

1. Raj Kumar Yadav. Son of Late Shivpujan Yadav.
2. Sushil Yadav @ Shushil Yadav. Son of Late Shivpujan Yadav.
3. Bhikham Yadav. Son of Late Shivpujan Yadav.
4. Shailesh Yadav. Son of Bikrama Yadav @ Bhikham Yadav.
5. Hemant Yadav. Son of Bikrama Yadav @ Bhikhan Yadav.
All are of resident of village - Khem Matihariya, Police Station -
Bishambharpur, District - Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s
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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 17-06-2015 Having regard to the nature of allegation against the petitioners for the offences punishable under Sections-147, 148, 149, 341 and 307 of the Indian Penal Code and the fact that not only the police has recovered empty cartridges allegedly shot by the petitioners, this Court would not be inclined to grant the privilege of anticipatory bail to petitioner no. 1, Raj Kumar Yadav and petitioner no. 4, Shailesh Yadav, who are also having criminal antecedent but then as no one including the informant has got any injury out of the firing made by petitioner nos. 2, 3 and 5, who have also got no criminal antecedent, this Court would direct that if the



petitioner no. 2, Sushil Yadav, petitioner no. 3, Bhikham Yadav and petitioner no. 5, Hemant Yadav surrender within a period of four weeks from today, they would 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 **Judicial Magistrate, 1st Class, Gopalganj** in connection with **Bishambharpur P.S. Case No. 101 of 2014**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That the court below shall make verification of criminal antecedent of the petitioner nos. 2, 3 and 5 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 close relative of the petitioner nos. 2, 3 and 5 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 bailors shall also state on affidavit that they will inform the Court concerned if the petitioner nos. 2, 3 and 5 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 their bail on the ground of misuse.

(iv) That the petitioner nos. 2, 3 and 5 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 delays the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioner nos. 2, 3 and 5 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.

The prayer for ancitipatory bail of petitioner no. 1, Raj Kumar Yadav and petitioner no. 4, Shailesh Yadav is hereby rejected.

Nothing said in this order, however, will come in the way of the petitioner no. 1, Raj Kumar Yadav and petitioner no. 4, Shailesh Yadav in surrendering before the Court below and praying for regular bail.

(Mihir Kumar Jha, J)

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