

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1793 of 2015

Arising Out of PS.Case No. -29 Year- 2013 Thana -JOGAPATTI District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Gama Yadav
 2. Rajdeo Yadav @ Rajdev Yadav
 3. Vikash Yadav @ Vikash Kumar Yadav

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 15-01-2015 Heard learned counsel for the petitioners and learned
counsel, appearing for the State.

Petitioners apprehend their arrest in connection with
Jogapatty (Nawalpur) P.S. Case No. 29 of 2013 registered under
Sections-341, 325, 307, 504/34 of the Indian Penal Code.

The first information report was registered under Section-
307 & other minor sections of the Indian Penal Code but after
investigation, police submitted charge sheet under bailable
sections and the case u/S 307 of the Indian Penal Code was not
found true and furthermore, the petitioner No. 3 was not sent up
for trial by the police but it appears that the court differed with the
findings of the police and took cognizance for the offence
punishable under Section-307 of the Indian Penal Code against all
the petitioners.

It is not out of place to mention here that during course of

investigation, the petitioners Nos. 1 & 2 were released on police bail.

Considering the above-said facts and circumstances as well as submission of the parties, petitioner No. 3 namely, Vikash Yadav & Vikash Kumar Yadav in the event of his arrest or surrender in the court below within four weeks from today, shall be released on bail on furnishing bail bond of Rs 10,000/- (ten thousand) with two sureties of the like amount each in connection with Jogapatty (Nawalpur) P.S. Case No. 29 of 2013 to the satisfaction of Chief Judicial Magistrate, West Champaran at Bettiah subject to conditions as laid down u/S 438(2) of the Cr. P.C.

So far as petitioner Nos. 1 & 2 are concerned; they are directed to surrender before the court below and if, they do so, the learned court below shall pass appropriate order, taking into consideration the decision of this court in ***Mahendra Prasad Singh Vs The State of Bihar reported in 2004(3) PLJR 491*** in which, this court very clearly held that a person, who is already on bail, shall not be denied such privilege, unless there is any misuse etc.

(Hemant Kumar Srivastava, J)

A.K.V./-

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