

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47401 of 2014

Arising Out of PS.Case No. -169 Year- 2013 Thana -KAHALGAON. District- BHAGALPUR

- =====
1. Amboj Yadav Son of Sri Kileshwar Yadav
 2. Ritlal Yadav @ Pital Yadav, Son of Sri Data Ram Yadav.

Both are Resident of Village - Sour, P.S. - Kahalgaon, District-
Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 14-05-2015 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners apprehend arrest in Kahalgaon
P.S. Case No. 169 of 2013 dated 24.04.2013 instituted under
Section 379 of the Indian Penal Code.

The allegation against the petitioners and 16
others is that they are involved in theft of coal from Railway
Wagons.

Learned counsel for the petitioners submits
that only on the basis of suspicion without any incriminating
material or recovery they have been made accused due to
village politics and further that they have no criminal

antecedent. Learned counsel has drawn the attention of the Court to Annexure-2 series which are order dated 19.04.2014 passed in Cr. Misc. No. 9526 of 2014 and order dated 30.06.2014 passed in Cr. Misc. No. 16811 of 2014 by which nine and two similarly situated accused persons respectively have been granted anticipatory bail by co-ordinate Benches of this Court.

Learned A.P.P. opposes the prayer for anticipatory bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Bhagalpur in Kahalgaon P.S. Case No. 169 of 2013, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973 with the following conditions:-

(i) The two bail bonds furnished by the petitioners will be of their close family relatives.

(ii) The petitioners will remain present in course of trial on each and every day and their absence even for two consecutive dates would automatically entail the consequences of cancellation of their bail.

(iii) The petitioners in case are now made accused in any other criminal case, that would itself lead to cancellation of their bail.

(Ahsanuddin Amanullah, J.)

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