

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 3212 of 2015

Arising out of P.S. Case No. -251 Year- 2014 Thana -FALKA
District- KATIHAR

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1. Bibhuti Yadav, S/o Late Jay Prakash Yadav.
2. Akhilesh Yadav @ Aklesh Yadav, S/o Ramdeo Yadav.
3. Awadhesh Yadav, S/o Ramdeo Yadav.
4. Munna Yadav, S/o Brahmdeo Yadav.
5. Ram Chandra Yadav, S/o Dharm Lal Yadav.
All resident of Village-Chandpur, P.S.-Falka, District-Katihar.

..... Petitioner/s

Versus

The State of Bihar.

..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Ambastha, Adv.

For the Opposite Party/s: Mr. Rajendra Singh Shastrijee (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

02. 23.01.2015

Heard learned counsel for the Petitioners and the
State.

The Petitioners seek bail in a case instituted for the
offences under Sections 147, 148, 149, 341, 323, 324, 307 and
302 of the Indian Penal Code.

Considering that the Petitioners No. 1, 2 and 3 while
on bail committed the present act and, thus, misused the
privilege of bail, I am not inclined to grant bail to them. The
prayer for bail is rejected.

However, considering that there is general allegation
against the Petitioner Nos. 4 and 5 namely Munna Yadav and
Ramchandra Yadav respectively who have fair antecedents, let
them be released on bail on furnishing bail bonds of Rs.
5,000/- (Five Thousand) each with two sureties of the like
amount each or any other surety as fixed by the Court to the
satisfaction of Sri Sunil Kumar-III, Judicial Magistrate, 1st

Class, Katihar (or its successor) in connection with Falka (Pothia) P.S. Case No. 251 of 2014 subject to the following conditions:- (i) That one of the bailors will be a close relative of the Petitioners who will give an affidavit giving genealogy as to how he is related with the Petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioners. (ii) That the affidavit shall clearly state that the Petitioners are not accused in any other case and if they are they shall not be released on bail. (iii) That the bailor shall also state on affidavit that he will inform the court concerned if the Petitioners 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 bail on the ground of misuse. (iv) That the Petitioners will give an undertaking that they will receive the police papers on the given date and be present on 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 Petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

(Anjana Prakash, J.)

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