

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18916 of 2015

Arising Out of PS.Case No. -32 Year- 2013 Thana -ROSERA District- SAMASTIPUR

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1. Santosh Kumar Yadav S/o Shree Bhagwan Charan Yadav
2. Shankar Yadav S/o Late Dev Narayan Yadav @ Batahu Yadav Both
residents of village - Purani Bhirha, P.S. Rosera, District - Samastipur
(Bihar)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Mira Kumari, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 18-06-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for offence under Section 304 of the Indian Penal Code and Section 3 (ii)(v) of the SC & ST (Prevention of Atrocities) Act and the admitted position that the informant himself had stated that a mob of more than 100-150 persons had indulged into assault of a person caught while committing theft, this Court would find it difficult to accept that the two petitioners alone would be responsible for causing such death. The petitioners have also got no criminal antecedent and as such if the petitioners namely Santosh Kumar Yadav and Shankar Yadav surrender before the court below within a period of four weeks from today, they shall be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Rosera, Samastipur in connection with Rosera P. S. Case No. 32 of 2013, subject to the

following conditions:

- (i) That both the bailors will be close family relatives of the petitioners who will undertake 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 addresses 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 bailors shall also state on affidavit that they 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 their bail on the ground of misuse.
- (iv) That the petitioners will be well represented on each and every date in course 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.

(Mihir Kumar Jha, J)

Sujit/-

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