

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36358 of 2014

Arising Out of PS.Case No. -262 Year- 2013 Thana -RAXAUL District- MOTIHARI

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1. Yogendra Yadav S/o Late Bagar Yadav
2. Birendra Yadav S/o Yogendra Yadav
All are Resident of Village Kaudihar Tola Bhagwanpur, P.S. Raxaul,
District East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ansul, Advocate.

For the Opposite Party/s : Mr. P.N. Pandit (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 20-02-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for offence under Sections 406, 420, 423, 467, 468, 471/34 of the Indian Penal Code arising out of a complaint case and from the very look of the allegation, giving an appearance of out and out civil dispute, arising out of an agreement for sale of the land for which the complainant had a better remedy by filing a suit for specific performance, this Court would find both the petitioners to be entitled for privilege of anticipatory bail specially when it is claimed not only a compromise has already been arrived between the parties but the petitioners even otherwise have also got no criminal antecedent.

That being so, if the petitioners namely, Yogendra



Yadav and Birendra Yadav surrender within a period of four weeks from today, the court below shall grant bail to the petitioners on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount to the satisfaction of the S.D.J.M. Raxaul at Motihari in connection with Raxaul P.S. Case No. 262 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 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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