

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16293 of 2015

Arising Out of PS.Case No. -323 Year- 2014 Thana -SHERGHATI District- GAYA

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1. Rambhajan Yadav @ Rambhaj Yadav
2. Binod Yadav
3. Rajesh Yadav All S/o Rameshwar Yadav
4. Bhim Yadav
5. Uday Yadav Both S/o Rambhajan Yadav
All are residents of Village Anuradhi, P.S. Sherghati (Dobhi), District Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Adv.
For the Opposite Party/s : Mr. Ram Shankar Das, Spl. A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

2 28-05-2015 Heard learned counsel for the Petitioners and learned
A.P.P. for the State.

Mr. Awadhesh Kumar, learned Counsel for the
Petitioner nos. 1 and 4 seeks permission to withdraw the
application in connection with Sherghati (Dobhi) P.S. Case No.
323 of 2014 pending before the court of learned Sub Divisional
Judicial Magistrate, Sherghati (Gaya), since it has become
infructuous.

Application of Petitioner nos. 1 and 4 is dismissed as
having become infructuous.

So far as the Petitioner nos. 2, 3 and 5 are concerned,
they are apprehending their arrest in a case registered under

Sections 323, 325, 341, 307, 504, 506 and 379/34 of the Indian Penal Code and Section 3(1)(X)/3(1)XI S.C. & S.T. Act.

Considering that there is no overt act alleged against the Petitioners and they have fair antecedents, let the Petitioners No.2, 3 and 5 above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of four weeks from the date of receipt of this order in connection with Sherghati (Dobhi) P.S. Case No. 323 of 2014 on furnishing bail bonds of Rs. 5,000/- (five thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sherghati (Gaya), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as also conditions (a) That one of the bailor will be a close relative of the Petitioners who will give an affidavit giving genealogy as to how they are related with the Petitioners. The bailor will undertake to furnish information to the Court about any change in address of the Petitioners. (b) That the affidavit shall clearly state that the Petitioners are not the accused in any other case and if they are they shall not be released on bail, (c) 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 ground of misuse (d) 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, (e) 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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