

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28303 of 2015

Arising Out of PS. Case No. -10 Year- 2015 Thana -GAYA HARIZAN District- GAYA

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1. Vinay Yadav @ Ram Vinay Yadav, Son of Balrup Yadav
2. Rajesh Yadav @ Ojhawa, Son of Balrup Yadav
3. Suresh Yadav @ Bhagat Jee Son of Ram Balak Yadav
4. Gautam Yadav @ Gautam Kumar, Son of Suresh Yadav
5. Chandrika Yadav, Son of Ram Briksh Yadav
All residents of village Dharpur, P.S. Chandauti, District Gaya

.... .. Petitioners

Versus

The State of Bihar

.... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Sunil Kumar Yadav, Advocate

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 28-07-2015 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 323, 324, 325, 326, 427, 452, 380, 354, 504 and 506 of the Indian Penal Code and Sections 3 (i) (x) (xi) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act registered in connection with SC/ST P.S. Case No. 10 of 2015.

3. It is submitted that the petitioners have been falsely implicated as there is a case and counter case between the parties as Chandauti P.S. Case No. 32 of 2015 has been filed at the instance of Surendra Yadav in which father of the present informant along with others have been made accused. In any event, even on the averments made in the FIR, ingredients of the offence under the

provisions of SC & ST Act are not made against the petitioners as the offending words are attributed to co-accused Kameshwar Yadav alone.

4. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with SC/ST P.S. Case No.10 of 2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:-

(i) The petitioners shall cooperate with the investigation and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(ii) The petitioners shall remain physically present on each and every date during trial and in the event of failure on two consecutive dates, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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