

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45805 of 2015

Arising Out of PS.Case No. -95 Year- 2015 Thana -MAGADH MEDICAL COLLEGE District-
GAYA

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Mallu Yadav s/o Jawahar Yadav, resident of village Naili, P.S. Magadh
Medical, Distt. Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.46865 of 2015

Arising Out of PS.Case No. -94 Year- 2015 Thana -MAGADH MEDICAL COLLEGE District-
GAYA

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Mallu Yadav s/o Jawahar Yadav, resident of village Naili, P.S. Magadh
Medical, Distt. Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.45805 of 2015)

For the Petitioner/s : Mr. Sanjeev Kumar, Adv

For the Opposite Party/s : Mr. Ram Shankar Das (Spl.App)

(In Cr.Misc. No.46865 of 2015)

For the Petitioner/s : Mr. Sanjeev Kumar, Adv

For the Opposite Party/s : Mr. Shakir Ahmad(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 02-11-2015 Heard learned counsel for the parties.

It appears that the petitioner has been made accused
in two criminal cases virtually arising out of common
incident one being Magadh Medical P.S. Case No. 94 of
2015 for the offences punishable under Sections-147, 148,



149, 307, 323, 324, 341, 353 and 427 of the Indian Penal Code and other being Magadh Medical P.S. Case No. 95 of 2015 for the offences punishable under Sections-147, 148, 149, 307, 323, 324, 341, 353, 427 of the Indian Penal Code and Section 3(x) of the SC and ST Act. Whatever materials have been brought on record, will only give semblance of a group fight, in which there was a mass protest against the dumping of garbage, by the local people. As a matter of fact there was a free fight as a whole in which some of the employees of the Corporation had sustained injuries but then the injured persons have themselves not named the petitioner to be one, who had assaulted them. It also appears that the petitioner is a Mukhiya and he was trying to intermeddle with the dispute.

Thus considering the fact that the petitioner has got no criminal antecedent, this Court would be inclined to grant the privilege of anticipatory bail to the petitioner in both the cases being Magadh Medical P.S. Case No. 94 of

2015 and Magadh Medical P.S. Case No. 95 of 2015.

That being so, if the petitioner namely, **Mallu Yadav**, surrenders within a period of four weeks from today, he would be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of **C.J.M. Gaya** in connection with **Magadh Medical P.S. Case No. 94 of 2015 and Magadh Medical P.S. Case No. 95 of 2015**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That the court below shall make verification of criminal antecedent of the petitioner and if it is found that he is accused in any other criminal case except the aforementioned two cases, he shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(iii) That the bailor shall also state on affidavit that they will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his 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 petitioner will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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