

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24361 of 2016

Arising Out of PS.Case No. -378 Year- 2011 Thana -BANKA District- BANKA

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1. Mahavir Yadav, Son of Foudi Yadav
2. Mannu Yadav, son of late Mangar Yadav@Manager Manjhi, Both are Residents of Village- Bhadariya, PS Banka, District Banka.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Anil Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 01-06-2016 Heard learned counsel for the petitioners and

learned counsel for the State.

In this case, the petitioners are seeking bail in connection with Banka P.S. case no. 378/2011 registered for offence under Sections 341, 323, 452, 302/34 of the Indian Penal Code and Section 3, 4, 5 of the Explosive Substances Act and 27 of Arms Act.

The allegation is that petitioners and other co-accused attacked on the informant and threatened her for dire consequences, if she did not vacate the place. In course of altercation, Pradeep Kumar dragged daughter of the informant and hit upon her bomb which led to her death. Allegation is

made against the accused persons that they have assaulted and later on left the place.

Learned counsel for the petitioner submits that there is no specific allegation against the petitioners and others. Accused Jhaldeo Yadav and others including petitioner had moved anticipatory bail application before this Court which was allowed. Petitioners' application for bail got infructuous and other co-accused has been granted anticipatory bail by this Court.

In above view of the matter, let the petitioners, namely Mahavir Yadav and Mannu Yadav be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka P.S. case no. 378/2011, subject to the condition that (i) one of the bailors shall be a close relative of the petitioner (ii) if the petitioner is found involved in future in similar type of case, the prosecution will be at liberty to make prayer for cancellation of his bail and the court below will pass necessary order, including cancellation of bail and (iii) the

petitioner would cooperate the proceeding of the court below.

In event of failure to appear on two consecutive dates, the court below will be at liberty to pass the order, including cancellation of bail bonds.

(Shivaji Pandey, J.)

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