

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36367 of 2016

Arising Out of PS. Case No. -107 Year- 2016 Thana –BELHAR (Khesar OP) District- BANKA

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1. Pramod Yadav s/o Sri Kailash Yadav
 2. Mukesh Yadav s/o Sri Arun Yadav
 3. Mamta Devi W/o Mukesh Yadav
 4. Geeta Devi W/o Pramod Yadav
 5. Bikash Yadav S/o Sri Naresh Yadav
 6. Sarita Devi W/o Bikash Yadav
 7. Munni Devi W/o Satyendra Yadav
 8. Saraswati Devi W/o Sri Arun Yadav
 9. Naresh Yadav S/o Late Gauri Yadav,

All are resident of village- Dasua, P.S.- Belhar, District- Banka

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance:

For the Petitioners : Mr. Ajay Mukherjee, Advocate

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 15-09-2016

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, 341, 323, 324, 307, 364 of the Indian Penal Code registered in connection with Belhar (Khesar O.P.) P.S. Case No. 107 of 2016.

3. It is submitted that the petitioners have been falsely implicated and as a matter of fact, the petitioner no. 1 had instituted an FIR on the same date against the informant in Belhar (Khesar O.P.) P.S. Case No. 90 of 2016, who had come armed with a pistol to kill him, but was caught by the villagers and handed over to the police. The injuries to the informant have been caused by reason of being thrashed by the villagers and not by the petitioners. Petitioner no. 3 being a lady had given delivery only two days prior to the alleged occurrence, which itself falsifies the

accusations.

4. Having regard to the entirety of the facts and circumstances, 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 bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub Judge III-cum-A.C.J.M. III, Banka, in connection with Belhar (Khesar O.P.) P.S. Case No. 107 of 2016 subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions-

(i) That one of the bailors of each of the petitioners shall be their close relative other than the petitioners herein.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That 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.

(iv) That the petitioner nos. 3, 4, 6, 7 and 8 will be well represented on each and every date and if they fail to do so on two consecutive dates without sufficient reason, their bail bonds will be liable to be cancelled by the Court concerned.

(v) That the petitioner nos.1, 2, 5 and 9 shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

Chandran/BT

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(Vikash Jain, J)