

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38416 of 2016

Arising Out of PS.Case No. -31 Year- 2016 Thana -MEHDIGANJ District- PATNA

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1. Fekan Gope @ Surendra Kumar
2. Wakil Gope @ Wakil Yadav Both Sons of Late Salik Yadav
3. Sanjeet Yadav @ Kammu @ Sanjeev Kumar
4. Shravan Gope @ Saravan Kumar Both Sons of Lal Babu Yadav @ Lal Babu Gope
All residents of Ranipur, Neem Tal, Kali Asthan, P.S. Mehdiganj, District Patna.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance:

For the Petitioners : Mr. Sunil Kumar, Advocate

For the Opposite Parties : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 17-09-2016 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 324, 307, 448, 504, 506, 379 and 34 of the Indian Penal Code registered in connection with Mehdiganj P.S. Case No. 31 of 2016.

3. It is submitted that the petitioners have been falsely implicated and in any event the accusation with regard to assault is general and omnibus in nature and no specific assault is attributed individually to the petitioners. The accusation with regard to taking away the cash and 'Mangalsutra' is ornamental in nature. There is a case and counter case between the parties.

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 S.D.J.M., Patna City, in connection with Mehdiganj P.S. Case No. 31 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 petitioners 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.

(Vikash Jain, J)

Chandran/BT

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