

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38678 of 2016

Arising Out of PS.Case No. -203 Year- 2015 Thana -KONCH District- GAYA

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1. Birendra Yadav S/o Basudeo Yadav
 2. Yugesh Kumar @ Yugesh Yadav S/o Naresh Yadav both resident of Village - Ganda Bigha, P.S. - Konch, District - Gaya.
 3. Vidya Nand Yadav S/o Ram Sevak Yadav, Resident of Village - Maniyar Bigha, P.S. - Konch, District - Gaya.
 4. Baldeo Yadav S/o Nityanand Singh, resident of Village - Amari, P.S. - Konch, District - Gaya.
 5. Lallu Yadav S/o Moti Lal Yadav Resident of Village - Bahab Chak, P.S. - GoAh, District - Gaya.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mrs. Lilawati Singh, Adv.
For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 26-09-2016 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 272/273 of the Indian Penal Code and Section 47(A) of the Excise Act registered in connection with Konch P.S. Case No. 203 of 2015.

3. It is submitted that the petitioners have been falsely implicated as even according to the F.I.R. the recovery of the country made liquor has been made from the bank of the river in village Ganda Bigha and not from the possession of the petitioners nor from their house or premises. Petitioners claim clean antecedents.

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 bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of Sri Tej Pratap Singh, learned Judicial Magistrate Ist Class, Gaya in connection with Konch P.S. Case No. 203 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) That one of the bailors of each of the petitioners shall be their close relative.

(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)

Md. Ibrarul/Chandran

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