

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13522 of 2016

Arising Out of PS.Case No. -12 Year- 2016 Thana -RAMGARH District- BHABHUA (KAIMUR)

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1. Upendra Yadav, Son of Mangal Yadav, aged about 25 years.
 2. Jitendra Yadav Son of SRi Vidyasagar Yadav, aged about 28 years both are resident of Gorasara, P.S- Ramgarh, Distt.- Kaimur (Bhabhua).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar
For the Opposite Party/s : Mr. Arvind Kr.Pandey(APP)
For the Informant : Mr. Kumar Sunil

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 12-04-2016 Heard the learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor appearing on behalf of the State as also the learned counsel appearing on behalf of the informant.

These two petitioners apprehend their arrest in a criminal prosecution registered under Section 307/34 and some other allied offences under the Indian Penal Code.

Though, the petitioners, besides others, are named in the F.I.R, vide Annexure-1, as accused, but taking into consideration the fact that the allegations against them are general and omnibus in nature and also taking into consideration the fact that the occurrence in question has taken place on account of certain land dispute between the parties and further taking into consideration the fact that the petitioners are said to be the first offenders, this Court is inclined to accede to the prayer made on behalf of the petitioners for grant of anticipatory bail.

In the event of their arrest or surrender in the Court

below within a period of four weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bonds of Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Kaimur (Bhabhua), in connection with Ramgarh P.S. Case No. 12 of 2016, subject to the conditions laid down under Section 438(2) Cr. P.C and subject to the further conditions that:

- (A). One of the bailors must be government servant or close family member of the petitioners, who will file an affidavit in the Court below showing his relationship with the petitioners,
- (B). if the petitioners are found involved in same and similar nature of cases in future, then in that case the informant/ prosecution shall be at liberty to file a petition for cancellation of the bail of the petitioners, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving an opportunity of hearing to all concerned and
- (C). the petitioners shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioners.

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(Birendra Prasad Verma, J)

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