

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36178 of 2016

Arising Out of PS.Case No. -98 Year- 2014 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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1. Devendra Yadav, S/o Late Domi Yadav.
2. Raj Kumar Yadav @ Dukha Yadav, S/o Bindeshwri Yadav,
Both are residents of village Mahesua Tola, Barmottar, P.S. & District
Madhepura.

.... Petitioners

Versus

1. The State of Bihar
2. Shivcharan Yadav S/o Shree Raghunath Yadav, resident of village
Mahesua Tola, Barmottar, P.S. & District Madhepura.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 06-09-2016 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the
offences alleged under Sections 365 and 120B of the Indian
Penal Code registered in connection with Complaint Case No. 98
of 2014.

3. It is submitted that the petitioners have been falsely
implicated in a complaint case which has subsequently been
converted into FIR. After due investigation, the police submitted
final form but subsequently cognizance was taken on protest
petition. It is submitted that the complaint has been filed in the
backdrop of the land dispute between the parties in respect of
which Bataidari Appeal No. 31 of 2006 is pending before the
Additional Collector, Madhepura.

4. Having regard to the entirety of the facts and
circumstances of the case, 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 Judicial Magistrate, Ist Class, Madhepura in connection with Complaint Case No. 98 of 2014, subject to the conditions as laid down under Section 438 (2) Cr.P.C. with following 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 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.

(iii) 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)

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