

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24676 of 2016

Arising Out of PS.Case No. -77 Year- 2016 Thana -CHANDAULI District- GAYA

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1. Chandradeep Yadav, Son of Late Nathun Yadav, Resident of village-Bishunpur, P.S.- Makhdumpur, District- Jehanabad

2. Munarik Yadav, Son of Late Baleshwar Yadav, Resident of village-Kafarpur, Vanta Dharnai, P.S.- Makhdumpur, District- Jehanabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Dr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 02-06-2016

Heard.

The petitioners seek bail in a criminal prosecution registered under Sections 384, 385 and 387 of the Indian Penal Code as also under Section 25(1-B)(a)/26/35 of the Arms Act.

Learned counsel appearing on behalf of the petitioners submits that even according to prosecution case the petitioners are not alleged to have demanded ransom from any person. Therefore, according to him, the offences under Sections 384, 385 and 387 of the Indian Penal Code shall not be attracted against the petitioners. He further submits that the petitioners were apprehended on suspicion by the police party and from the possession of the petitioner no.1 one country made pistol and one live cartridge and from the possession of the petitioner no.2 also a country made Thernet and one live cartridge are alleged to have recovered. It is next contended that they are in judicial custody since 05.03.2016 and have been sufficiently punished.

Learned Addl. P. P. appearing on behalf of the State, though has opposed the prayer for bail, but has not disputed the aforesaid submissions.

Be that as it may, taking into consideration the period of incarceration already undergone by the petitioners, they are directed to be released on bail on furnishing bail bond of Rs.25,000/- each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Chandauti (Chakand) P.S. Case No.77 of 2016, subject to the conditions that:

- (A) One of the bailors must be government servant or close family members of the petitioners, who will file an affidavit in the court below showing his/her 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 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 opportunity of hearing to all concerned;
- (C) the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every date, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioners.

Arvind/-

(Birendra Prasad Verma, J)

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