

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38572 of 2016

Arising Out of PS.Case No. -280 Year- 2015 Thana -RANIGANJ District- ARRARIA

- =====
1. Dhirendra @ Dhiren Yadav son of Jai Kishan Yadav, resident of village Bagulaha, P.S. Raniganj, District Araria.
2. Ratan Rishidev son of Tuntun Rishidev, resident of Village Maharajganj, P.S. Banmankhi, District Purnea.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Mukesh Kumar Jha,
Mr. Bhola Prasad, Advocates

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 20-09-2016 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 25(1-b)A, 26 and 35 of the Arms Act and Section 3/4 of the Explosive Substances Act registered in connection with Raniganj P.S. Case No. 280 of 2015.

3. It is submitted that the petitioners have been falsely implicated merely because they happened to be the driver and cook of the landlord Ashok Yadav, Dinesh Yadav and Umesh Yadav from whose 'Kammat' arms were recovered. No incriminating articles have been recovered from the possession of the petitioners who claim clean antecedents. It is submitted that similarly situated accused persons, namely, Ashok Yadav @ Ashok Kr. Yadav and Dinesh Yadav have been granted anticipatory bail by this Court in Cr. Misc. No. 9909 of 2016.

4. Having regard to the entirety of the facts and circumstances of the case, as such, 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 Sri Sanjeev Kumar-II, learned Sub-Divisional Judicial Magistrate, Araria in connection with Raniganj P.S. Case No. 280 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 other than the petitioners herein.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii)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)

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