

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6375 of 2016

Arising Out of PS.Case No. -56 Year- 2005 Thana -JHAJHA District- JAMUI

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Balmukund Yadav @ Balmukun Yadav son of Late Sadhu Yadav resident of village - Khairan, P.S. - Jhajha, District - Jamui.
2. Laxmi Sah son of Shibal Sah, resident of Village - Pairgaha, P.S. - Jhajha, District - Jamui.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prakash Mahto, Advocate

For the Opposite Party/s : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 11-04-2016 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 149, 147 and 302 of the Indian Penal Code, Section 27 of the Arms Act and Section 17 of the C.L.A. Act registered in connection with Jhajha P.S. Case No. 56 of 2005.

3. It is submitted that the petitioners have been falsely implicated as the FIR is against unknown persons on the allegation of about 100 persons belonging to the MCC group came and made assault.

4. Learned APP on the other hand relies on para 78 of the case diary containing statement of the informant to submit that the petitioners' name have come in course of investigation.

5. Such statement however is said to be on the basis of the informant getting knowledge of the names of the persons named therein

rather the informant having recognized them himself. Moreover, no specific accusation of assault is attributed to the petitioners.

6. 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 Chief Judicial Magistrate, Jamui in connection with Jhajha P.S. Case No. 56 of 2005 subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) 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.

(ii) The petitioners shall remain physically present on each and every date during trial and in the event of failure on two consecutive dates, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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