

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43170 of 2016

Arising Out of PS.Case No. -187 Year- 2016 Thana -BIRaul District- DARBHANGA

1. Rekha Devi W/o Ravindra Yadav

2. Meena Devi W/o Dasai Yadav

3. Ashok Yadav S/o Dasai Yadav

4. Shambhu Yadav S/o Ravindra Yadav

5. Dukha Yadav S/o Late Bihari Yadav

All residence of Vill- Saho, P.S.- Biraul, Distt- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 05-10-2016

Heard the parties.

The petitioners apprehend their arrest in a criminal prosecution registered under Sections 307, 354, 379 and some other minor or bailable offences under the Indian Penal Code.

Taking into consideration the fact that there appears to be a case and counter case from both sides and also taking into consideration the fact that the entire occurrence has taken place on account of a bona fide land dispute between the parties and further taking into consideration the fact that the allegations against these petitioners are general and omnibus in nature, though the main allegation of assault is against co-accused Rabindra Yadav, 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 five petitioners be released on bail on furnishing bail

bonds of Rs.10,000/-(Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Biraul, Darbhanga in connection with Biraul P.S.Case No. 187 of 2016, subject to the conditions laid down under Section 438 (2) of the Cr.P.C. and subject to the further conditions that :

(A) one of the bailors of each petitioners must be a government servant or close family member of the petitioners, who will file an affidavit in the court below showing their 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 bonds 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, and

(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 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.

(Birendra Prasad Verma, J)

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