

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24018 of 2016

Arising Out of PS.Case No. -109 Year- 2005 Thana -KATORIA District- BANKA

=====

1. Mangar Yadav Son of Khagli Yadav
2. Surendra Yadav Son of Baldeo Yadav Both are resident of village -
Kanibel, P.S. Katoria, District - Banka

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Md.Nazir Ansari(App)

=====

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD
VERMA**
ORAL ORDER

2 31-05-2016

Heard the parties.

The petitioners seek bail in a criminal prosecution registered under Sections 341, 307, 302/34 of the Indian Penal Code as also under sections 3,4 and 5 of the Explosive Substance Act.

Though, the petitioners, besides others, are named in the first information report vide Annexure-1 as accused persons, but taking into consideration the fact that on close of investigation the accusation against the petitioners were found not supported, and they were not charge-sheeted, which is evident from annexure-2, but the learned Magistrate has disagreed with the police report and has taken cognizance against the petitioners also, besides others, and also taking into consideration the fact that the petitioners are said to be the first offenders and they are in judicial custody since 20.04.2016, this Court is inclined to accede to the prayer made on behalf of the petitioners for grant of bail.

Let the above named petitioners be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Katoria P.S. Case No. 109 of 2005 subject to the conditions that :

(A) one of the bailors must be a 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, 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 bond of the petitioners.

(Birendra Prasad Verma, J)

Amin/-

U			
---	--	--	--