

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.41287 of 2016**

Arising Out of PS.Case No. -122 Year- 2016 Thana -SABAUR District- BHAGALPUR

- =====
1. Dablu Kumar Yadav @ Dablu Yadav, son of Late Ambika Prasad Yadav, resident of vill. Chakrami, P.S. Bihpur, Dist. Bhagalpur.
  2. Prabhu Asshri Sah @ Prabhu Asshri, son of late Roshan Sah @ Ambika Prasad Sah, resident of Moh. Manaskamna Chwok, Nath Nagar, P.S. Nathnagar, Dist. Bhagalpur.

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance:**

For the Petitioners : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party : Mr. R.P. Nat, APP

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL ORDER

2 29-09-2016

Heard learned counsel for the petitioners and learned

APP for the State.

2. The petitioners are in custody since 06.07.2016 in connection with P.S. Case No. Sabour (Goradih) P.S. Case No. 122 of 2016 for the alleged offences under Section 188 of the Indian Penal Code and Section 47 of the Bihar Excise (Amendment) Act, 2016.

3. It is submitted that the petitioners have been falsely implicated and no recovery has been made from the conscious possession of the petitioners as evident from the seizure list which did not contain the signature of the petitioners. In any event, they have already suffered custody for more than two months.

4. Having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be

released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M-X, Bhagalpur in connection with P.S. Case No. Sabour (Goradih) P.S. Case No. 122 of 2016 on the following conditions -

(i) That one of the bailors shall be a close relative of the petitioners.

(ii) That the petitioners shall not indulge in any similar offence.

(iii) 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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