

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15043 of 2019

Arising Out of PS. Case No.-464 Year-2018 Thana- BANKA District- Banka *

1. MALA DEVI Wife of Binod Yadav R/o village- Amatikar, P.S- Barahat , District- Banka
2. Sabita Devi Wife of Gobardhan Yadav R/o village- Amatikar, P.S- Barahat , District- Banka
3. Shankar Yadav Son of Jhogindra Yadav @ Late Yogenndra Yadav R/o village- Amatikar, P.S- Barahat , District- Banka
4. Jodhan Yadav @ Jodhan Kumar Yadav Son of Gobardhan Yadav R/o village- Amatikar, P.S- Barahat , District- Banka
5. Sanjay Yadav @ Sanjay Kumar Yadav Son of Binod Yadav R/o village- Amatikar, P.S- Barahat , District- Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Prasad Singh
For the Opposite Party/s : Mr.Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 12-03-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 326, 307 IPC, Section 26 of the Arms Act and Sections 3 and 4 of the Explosives Substance Act, registered in connection with Banka (Barahat) P.S. Case No. 464/2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute and there is case and counter case between the parties, who are gotia. In any event, thrust of accusation of hurling of bomb is on co-accused Govardhan Yadav and Binod Yadav and not against the present petitioners, who have been implicated merely because they happen to be their relatives. There is no accusation of assault against the petitioners. The petitioners claim clean antecedents.



4. Be that as it may, 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 bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Banka, in connection with Banka (Barahat) P.S. Case No. 464/2018, 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 shall be a close relative of the petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate with the investigation, if not already concluded, 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. The petitioner nos. 1 and 2 shall be well represented and petitioner nos. 3, 4 and 5 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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