

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23942 of 2019**

Arising Out of PS. Case No.-201 Year-2018 Thana- PAKARIBARAW
District- Nawada

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1. SANJAY YADAV, aged about 28 years, male, S/o Arjun Yadav, Resident of Village-Dharnibigha, P.S.-Pakribrawan, District-Nawada.
 2. Foto Yadav @ Fotu Yadav, aged about 30 years, male, S/o Arjun Yadav Resident of Village-Dharnibigha, P.S.-Pakribrawan, District-Nawada.
 3. Arjun Yadav, aged about 58 years, male, S/o Late Daro Yadav Resident of Village-Dharnibigha, P.S.-Pakribrawan, District-Nawada.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Sheo Kumar Prasad, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 17-04-2019 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, 337, 427, 504 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Pakribrawan P.S. Case No. 201 of 2018.

3. It is submitted that the petitioners have been falsely implicated and in any event the accusation against the petitioners in the F.I.R. are general and omnibus in nature and do not constitute the offence under the Arms Act whatsoever. The accusation of firing with pistol is on co-accused Jaipal Yadav. Petitioner nos. 1 and 3 have one prior case vide Pakribrawan P.S. Case No. 131 of 2018 which has also been instituted by the informant's side in which they are accused and final form has been submitted against them.



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 Chief Judicial Magistrate, Nawada in connection with Pakribrawan P.S. Case No. 201 of 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 of each of the petitioners shall be their close relatives of the petitioners.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate 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) 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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