

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23072 of 2019**

Arising Out of PS. Case No.-231 Year-2018 Thana- DURAULI District-
Siwan

- =====
1. VIJAY YADAV, aged about 24 years, male, S/o Rajendra Yadav @ Rajendra Chaudhari R/o village- Don Mathiya, P.S.- Darauli, District- Siwan
 2. Anil Yadav, aged about 21 years, male, son of Indal Yadav, R/o village- Khairati, P.S.- Darauli, District- Siwan

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Ajay Kumar Tiwary, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 12-04-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehends their arrest for the offences alleged under Sections 341, 323, 307, 379, 504/34 of the Indian Penal Code registered in connection with Darauli P.S. Case No. 231 of 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. It is submitted that the allegation of assault with sword attributed to the petitioner no. 1 upon the informant is not corroborated by the injury report which shows grievous injury caused by hard blunt substance. The



accusation against petitioner no. 2 is of assault with slaps and fists. 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 provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Siwan in connection with Darauli P.S. Case No. 231 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 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 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.

5. The provisional bail shall be confirmed upon verification by the learned Court below that the grievous injury is not of incised nature caused by sharp instrument. In case the petitioner's claim fails upon verification, the provisional bail shall stand automatically cancelled.

(Vikash Jain, J)

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