

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20541 of 2019

Arising Out of PS. Case No.-392 Year-2018 Thana- BAIRIYA District- West Champaran

1. Jagdish Yadav (Male 63 years) Son of Late Basdeo Yadav
 2. Dina Yadav (Male 51 years) Son of Late Gaurav Yadav
 3. Rajeshwar Yadav (Male 64 years) Son of Late Gaurav Yadav
 4. Binod Yadav @ Vinod Yadav (Male 27 years) Son of Jagdish Yadav
 5. Birabashani Yadav (Male 31 years) Son of Rajeshwar Yadav
 6. Bheem Yadav (Male 26 years) Son of Shanker Yadav
 7. Rajpati Devi (Female 59 years) Wife of Shanker Yadav
 8. Malari Devi (Female 61 years) Wife of Jagdish Yadav
 9. Nirmala Devi (Female 62 years) Wife of Rajeshwar Yadav
- All residents of Village-Bagahi Ahirani Tola, P.S-Bairiya, District-West Champaran.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Amarendra Nath Verma, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

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

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 447, 427, 328, 354, 379, 504 and 506/34 of the Indian Penal Code registered in connection with Bairiya P.S. Case No. 392 of 2018.

3. It is submitted that the petitioners have been falsely implicated and there is land dispute between the parties as the subject land has been settled in favour of the father of petitioner no. 1 under the provisions of the Bihar Privileged Persons Homestead Tenancy Act. The accusations are mostly general and omnibus and there is no specific accusation of assault against the petitioners. Injuries sustained by injured Dilip Kumar, Chhathu Yadav and



Bachcha Yadav are simple in nature. 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 bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 392 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

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

(iii) That the petitioner nos. 1 to 6 shall remain physically present in court on each and every date during trial and petitioner nos. 7 to 9 shall be well represented in court on each and every date during trial except as and when directed by the learned court to be physically present, 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.

(iv) 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.

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(Vikash Jain, J)

