

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23715 of 2019

Arising Out of PS. Case No.-216 Year-2018 Thana- ATHMALGOLA District- Patna

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1. Ramchandra Yadav @ Ramchandra Prasad Singh, aged about 55 years, Son of Late Sita Sharan Prasad
 2. Shio Shankar Yadav @ Shio Shankar Kumar aged 30 years Son of Rambachan Yadav @ Rambachan Prasad Singh @ Ramchandra Prasad Singh @ Ramchandra Yadav
Both resident of Village - Chanda, P.S.- Athmalgola, District- Patna
- Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Arbind Kumar, Advocate
For the Opposite Party : Mr. J.K. Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 16-04-2019 As prayed, learned counsel for the petitioners is permitted to make necessary corrections in the parentage of petitioner no. 2 by substituting “Ramchandra Prasad Singh @ Ramchandra Yadav” in place of “Rambachan Yadav @ Rambachan Prasad Singh” in the cause title of the petition in course of the day.

2. Heard learned counsel for the petitioners and learned APP for the State.

3. The petitioners apprehend their arrest for the offences alleged under Sections 147, 448, 341, 323, 379, 307, 504, 506, 337, 338 and 427 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Athmalgola P.S. Case No. 216 of 2018.

4. 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 neighbours. The accusation of assault is general and omnibus without any specific assault attributed individually. Injuries resulting from the assault alleged against the petitioners are simple in nature. There is no firearm injury



on the person of injured Manoj Kumar to support the accusation of firing by the petitioners. The accusation of theft of ornaments and cash against the petitioners is mere embellishment. In one earlier case instituted at the instance of the informant, the petitioners are on bail.

5. 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 them 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 Sub-Divisional Judicial Magistrate, Barh, District Patna in connection with Athmalgola P.S. Case No. 216 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 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.

(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.

BT/-

(Vikash Jain, J)

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