

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23765 of 2019**

Arising Out of PS. Case No.-261 Year-2018 Thana- SASARAM MUFFSIL
District- Rohtas

- =====
1. WAKEEL YADAV @ WAKIL SINGH, aged about 54 years, male, Son of Late Sitaram Singh Resident of Village-Tendua (Dusadhi), Police Station-Dehri, District-Rohtas.
 2. Bhuwar Yadav @ Anil Kumar, aged about 22 years, male, Son of Wakeel Yadav @ Wakil Singh Resident of Village-Tendua (Dusadhi), Police Station-Dehri, District-Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Tiwary, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 16-04-2019 Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 379, 411, 109/34 of the Indian Penal Code registered in connection with Sasaram (M) P.S. Case No. 261 of 2018.

3. It is submitted that the petitioners have been falsely implicated merely on the extra judicial confessional statement of co-accused Baban Yadav, except which there is no other objective material to connect the petitioners with the alleged occurrence. The petitioners are father and son who are supporters of the



presently elected Mukhiya and have been implicated by the said Baban Singh who was the candidate of the previous election of Mukhiya.

4. Learned APP opposes the anticipatory bail petition submitting that the petitioner no. 1 has two criminal antecedents involving Sections 392 IPC and 395 IPC. Moreover it has been alleged that two tyres stolen from a truck which had suffered an accident, were found loaded on the truck belonging to the petitioner no. 1 which was standing nearby.

5. Having regard to the nature of the accusations, gravity of the offence alleged as well as two stolen tyres recovered from the truck of the petitioner no. 1, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner no. 1. The anticipatory bail petition of petitioner no. 1 stands dismissed.

6. As regards petitioner no. 2, considering his clean antecedents and that no recovery has been made from him, in the event of the petitioner no. 2 arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner no. 2 be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram (M) P.S. Case No. 261 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 petitioner no. 2.

(ii) That the petitioner no. 2 shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner no. 2 shall cooperate with the investigation, if not already concluded, and make himself 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 petitioner no. 2 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, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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