

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27167 of 2019

Arising Out of PS. Case No.-59 Year-2019 Thana- BARUN District- Aurangabad

1. Kamlesh Yadav, aged about 38 years, Gender-Male, Son of Dhannu Yadav, Resident of Village-Parariya, P.S-Barun, District-Aurangabad.
2. Anil Yadav, aged about 40 years, Gender-Male, Son of Late Naresh Yadav, Resident of Village-Barahra, P.S-Sasaram, District-Rohtas.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Krishna Pd. Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the Opposite Party	:	APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 25-04-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 354, 379, 341, 341, 323, 448, 504, 506 and 34 of the Indian Penal Code registered in connection with Barun P.S. Case No. 59 of 2019.

3. It is submitted that the petitioners have been falsely implicated and in any event, there is no injury report to corroborate the accusation of assault by the petitioner no. 1 upon the informant. It is submitted that even on bare perusal of the FIR, the ingredients of the offence under Section 354 of the IPC are not made out. No accusation constituting any offence alleged in the FIR has been made against the petitioner no. 2. The accusation against the petitioners under Section 379 of the IPC is mere embellishment. 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, Aurangabad in connection with Barun P.S. Case No. 59 of 2019, 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.

(Vikash Jain, J)

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