

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27433 of 2019

Arising Out of PS. Case No.-833 Year-2018 Thana- JAHANABAD District- Jehanabad

1. DINESH YADAV Son of Rajendra Yadav Resident of Village - Sukana Bigha, P.S.- Jehanabad (Korauna O.P.), District- Jehanabad
2. Lalan Yadav @ Lalan Kumar Son of Ram Babu Yadav Resident of Village - Sukana Bigha, P.S.- Jehanabad (Korauna O.P.), District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad

For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 26-04-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147,149,341,323, 504, 279,337,338, 427,353 IPC and Section 37(b) of the Bihar Prohibition and Excise Act, 2016 registered in connection with Jehanabad (Korauna OP) P.S. Case No. 833/2018.

3. It is submitted that the petitioners have been falsely implicated and even on perusal of the FIR it has merely been alleged that the petitioners are among several villagers who are said to have obstructed the police party from taking away the seized vehicle which was driven by a person in drunken condition, who managed to escape. It is therefore, submitted that no offence under the Bihar Prohibition and Excise Act, 2016 whatsoever is made out against the petitioners. Similarly situated co-accused Viki Yadav has been granted anticipatory bail by this Court in Cr. Misc. No. 21425 of 2019. 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 bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ADJ II, Jehanabad, in connection with Jehanabad (Korauna OP) P.S. Case No. 833/2018, 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 co-operate 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. 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.

(Vikash Jain, J)

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