

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29655 of 2019

Arising Out of PS. Case No.-313 Year-2018 Thana- PAHARPUR District- East Champaran

1. Rakesh Yadav, aged about 37 years (M) Son of Late Sukhal Yadav
 2. Arun Yadav aged about 32 years (M) Son of Ram Tapshya Yadav
 3. Abhishek Yadav aged about 22 years (M) Son of Ram Tapshya Yadav
 4. Jai Prakash Yadav aged about 35 years (M) Son of Ramayan Yadav
 5. Manish Yadav aged about 28 years (M) Son of Ramayan Yadav
- All residents of Village-Majharia,P.S.-Malahi, District-East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mrs. Rashmi Jha, Advocate
For the Opposite Party	:	Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 10-05-2019 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, 342, 323, 324, 427, 307, 384, 379, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Paharpur (Malahi) P.S. Case No. 313 of 2018.

3. 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. There is no injury report whatsoever on record to corroborate the accusation of assault by the petitioners. The petitioners are accused in seven prior cases instituted by the same informant in which they were either acquitted or on bail.

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, Motihari, East Champaran in connection with Paharpur (Malahi) P.S. Case No. 313 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.

(Vikash Jain, J)

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