

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31381 of 2019**

Arising Out of PS. Case No.-316 Year-2018 Thana- BAKHARI District-
Begusarai

- =====
1. MAHESHWAR YADAV Son of Beni Lal Yadav Resident of Village - Khakharua, P.S.- Bakhari, Distt - Begusarai.
 2. Mohan Yadav @ Mohan Kumar @ Modan Kumar Son of Maheshwar Yadav Resident of Village - Khakharua, P.S.- Bakhari, Distt - Begusarai.
 3. Manohar Yadav @ Manohar Kumar Son of Maheshwar Yadav Resident of Village - Khakharua, P.S.- Bakhari, Distt - Begusarai.
 4. Samari Devi Wife Maheshwar Yadav Resident of Village - Khakharua, P.S.- Bakhari, Distt - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Anjani Parashar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 05-08-2019 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, 323, 324, 325, 326, 307, 379, 354B, 504, 506, 34 of the Indian Penal Code registered in connection with Bakhri P.S. Case No. 316 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. The accusations are general and omnibus in nature except petitioner no. 1, he is said



to have assaulted Chunchun Yadav, father of the informant who has sustained grievous injury. Two other persons of the informant's side have sustained injuries which are however simple in nature. It is submitted that injuries have been sustained also on the petitioners' side. The petitioners claim clean antecedent.

4. Considering the nature of grievous injury said to have been sustained by Chunchun Yadav, father of the informant, 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 rejected.

5. As regards petitioner nos. 2, 3 and 4, in the event of their arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner nos 2, 3 and 4 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 Additional Chief Judicial Magistrate-V, Begusarai in connection with Bakhri P.S. Case No. 316 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 of each of the petitioner nos. 2, 3 and 4 shall be their close relatives other than the petitioners herein.



(ii) That the petitioner nos. 2, 3 and 4 shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner nos. 2, 3 and 4 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.

(iv) That the petitioner no. 4 shall be well represented in Court on each and every date during trial except as and when directed by the learned Court to be physically present and petitioner nos. 2 and 3 shall remain physically present in Court on each and every date, 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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