

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40146 of 2019**

Arising Out of PS. Case No.-473 Year-2015 Thana- ARARIA District- Araria
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1. RAJAT YADAV @ AMITABH YADAV Son of Late Chandra Mohan Yadav Resident of Village- Gidariya, P.S.- Araria, District- Araria.
2. Mannu Yadav @ Manoranjan Kumar Son of Basudeo Yadav Resident of Village- Gidariya, P.S.- Araria, District- Araria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Sanjay Kumar Sharma, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 26-08-2019 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, 342, 323, 379, 384, 504, 506, 34 of the Indian Penal Code registered in connection with Araria (R.S.) P.S. Case No. 473 of 2015.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute between the parties as the informant is claiming right over land on the basis of an agreement in his favour executed by Navratna Agrawal. It is submitted that a similar F.I.R. has been lodged in Araria (R.S.) P.S. Case No. 321 of 2015 by the same informant in which the details of such land dispute had been stated and in which the petitioner has been granted bail. It is submitted that the dispute between the parties is purely of civil nature and is the subject matter of Second Appeal No. 122 of 2010 pending before this Court, in which the mother of the petitioner no. 1 is the appellant. It is



therefore submitted that the accusation of theft and extortion are false and motivated and except the aforesaid Araria (R.S.) P.S. Case No. 321 of 2015 the petitioner claims 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 Chief Judicial Magistrate, Araria in connection with Araria (R.S.) P.S. Case No. 473 of 2015, 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 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 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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