

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40203 of 2019**

Arising Out of PS. Case No.-148 Year-2017 Thana- BARHARA KOTHI
District- Purnia

- =====
1. UMESH YADAV @ UMESH KUMAR YADAV Son of Jawahar Yadav Resident of Village - Mouzampati, P.S.- Barhara (Raghubans Nagar), Distt - Purnea.
 2. Sukhdev Yadav Son of Sahnichar Yadav Resident of Village - Mouzampati, P.S.- Barhara (Raghubans Nagar), Distt - Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Binod Kumar Yadav, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 28-08-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 341, 323, 307, 363 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Barhara (Raghubans Nagar) P.S. Case No. 148 of 2019.

3. It is submitted that the petitioners have been falsely implicated and there is case and counter case between the parties. The accusation of assault is general and omnibus without any specific assault attributed to the petitioners. Injuries resulting from the assault alleged against the petitioners are simple in nature. The petitioners 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, Purnea in connection with Barhara (Raghubans Nagar) P.S. Case No. 148 of 2017, 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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