

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38621 of 2019
Arising Out of PS. Case No.-61 Year-2018 Thana- ALOULI District-
Khagaria

- =====
1. NANDLAL YADAV, male, aged 29 years, Son of Late Jagdev Yadav Resident of Village - Rampur Alauli, P.S.- Alauli, Dist. - Khagaria.
 2. Ramashish Yadav, male, aged 32 years, Son of Kantlal Yadav Resident of Village - Rampur Alauli, P.S.- Alauli, Dist. - Khagaria.
 3. Pramod Yadav, male, aged 27 years, Son of Bachchu Yadav Resident of Village - Rampur Alauli, P.S.- Alauli, Dist. - Khagaria.
 4. Amod Yadav, male, aged 28 years, Son of Bachchu Yadav Resident of Village - Rampur Alauli, P.S.- Alauli, Dist. - Khagaria.
 5. Vinod Yadav, male, aged 33 years, Son of Bachchu Yadav Resident of Village - Rampur Alauli, P.S.- Alauli, Dist. - Khagaria.
 6. Manish Yadav, male, aged 25 years, Son of Om Prakash Yadav Resident of Village - Rampur Alauli, P.S.- Alauli, Dist. - Khagaria.
 7. Vikash Yadav, male, aged 27 years, Son of Rajkumar Yadav Resident of Village - Rampur Alauli, P.S.- Alauli, Dist. - Khagaria.
 8. Deewakar Yadav, male, aged 35 years, Son of Bugo Yadav Resident of Village - Rampur Alauli, P.S.- Alauli, Dist. - Khagaria.
 9. Diwana Yadav, male, aged 31 years, Son of Bugo Yadav Resident of Village - Rampur Alauli, P.S.- Alauli, Dist. - Khagaria.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Indrajit Kumar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 01-07-2019 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, 341, 323, 324, 307, 379, 325, 504 and 506 of the Indian Penal Code registered in connection with Alouli P.S. Case No. 61 of 2018.

3. It is submitted that the petitioners have been falsely implicated and the accusations are general and omnibus in nature. The specific accusation of assault is on petitioner no. 2,



petitioner no. 6 and co-accused Om Prakash Yadav whereas the accusations against the other petitioners are general and omnibus of having surrounded the informant. There is delay of three days in institution of the F.I.R on 24.02.2018 for the alleged occurrence of 21.02.2018.

4. Considering the specific accusation of assault against the petitioner nos. 2 and 6, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner nos. 2 and 6. The anticipatory bail petition of petitioner nos. 2 and 6 stands dismissed.

5. As regards petitioner nos. 1, 3, 4, 5, 7, 8 and 9, in the event of the petitioner nos. 1, 3, 4, 5, 7, 8 and 9's arrest or surrender before the court below within six weeks from the date of communication of this order, let the petitioner nos. 1, 3, 4, 5, 7, 8 and 9 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, Khagaria in connection with Alauli P.S. Case No. 61 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. 1, 3, 4, 5, 7, 8 and 9 shall be their close relatives other than the petitioners herein.

(ii) That the petitioner nos. 1, 3, 4, 5, 7, 8 and 9 shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner nos. 1, 3, 4, 5, 7, 8 and 9 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 nos. 1, 3, 4, 5, 7, 8 and 9 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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