

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39879 of 2019

Arising Out of PS. Case No.-28 Year-2019 Thana- UDAKISHUNGANJ District- Madhepura

1. RAGHUVVEER YADAV Son of Rambabu Yadav Resident of Village - Chharrapatti, P.S.- Udakishunganj, Distt - Madhepura.
2. Kartik Yadav Son of Raghuveer Yadav Resident of Village - Chharrapatti, P.S.- Udakishunganj, Distt - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Singh

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 22-08-2019 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, 452, 380, 506 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Uda-Kishunganj P.S. Case No. 28/2019.

3. It is submitted that the petitioners have been falsely implicated and the accusation of entering the house of the informant and taking away cash of Rs. 75,000/- is highly improbable. Reference is invited to the order of the learned Sessions Judge taking note of paras 19, 20 and 21 of the case diary containing statement of some of the independent witnesses to the effect that the son of the informant had entered the house of the daughter-in-law of the petitioner no. 1 and the petitioners had fired pellets. In retaliation Uda-Kishunganj P.S. Case No. 130/2019 has been filed by the informant's side in connection with injuries sustained by the informant's son in the occurrence. Except the aforesaid Uda-Kishunganj P.S. Case No. 130/2019 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 ACJM, Uda-Kishunganj, Madhepura, in connection with Uda-Kishunganj P.S. Case No. 28/2019, 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 co-operate 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. 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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