

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41294 of 2019**

Arising Out of PS. Case No.-264 Year-2018 Thana- PALIGANJ District-
Patna

- =====
1. SHATRUDHAN YADAV Son of Darvesh Yadav Resident of Village - Ghurna Bigha, P.S.- Paliganj, Dist.- Patna.
 2. Suraj Yadav Son of Mohan Yadav Resident of Village - Kalyanpur, P.S.- Paliganj, Dist.- Patna.

... .. Petitioners

Versus

The State of Bihar Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Bhola Kumar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 19-09-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 447, 341, 323, 307, 504/34 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Paliganj P.S. Case No. 264 of 2018.

3. It is submitted that the petitioners have been falsely implicated on the accusation of assault is general and omnibus in nature. The specific assault has been attributed on co-accused Rajesh Yadav who is said to have shot the informant on his leg. There is land dispute between the parties in respect of which Title Suit No. 25 of 2016 is pending in the Court of Sub-Judge, Paliganj. Statement is made at the Bar that the prior case in Paliganj P.S Case No. 235 of 2009 in which the petitioner no. 1 is made accused has been lodged by the informant's side in which he is on bail, while petitioner no. 2 claims clean antecedents.



4. Learned APP appears and has been heard. He has not pointed out any injury report in the case diary to corroborate the accusation of assault by the accused persons.

5. 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 Sub-Divisional Judicial Magistrate, Danapur, Patna in connection with Paliganj P.S. Case No. 264 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 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 himself 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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