

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41819 of 2019**

Arising Out of PS. Case No.-234 Year-2015 Thana- MANSI District-
Khagaria

- =====
1. GOPAL YADAV, male, aged about 45 years, Son of Bhola Yadav Resident of Village- Thatha, Police Station- Mansi, District- Khagaria.
 2. Gautam Yadav, male, aged about 23 years, Son of Baishakhi Yadav Resident of Village- Thatha, Police Station- Mansi, District- Khagaria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Siddhartha Prasad, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 08-07-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Mansi P.S. Case No. 234 of 2015.

3. It is submitted that the petitioners have been falsely implicated and in any event after due investigation police exonerated the petitioners who have not been sent up for trial. Other three co-accused persons have been acquitted after trial in terms of order dated 03.04.2019 passed by Presiding Officer, F.T.C.-1, Khagaria in Sessions Case No. 356 of 2016 arising out of Mansi P.S. Case No. 234 of 2015.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named



petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Khagaria in connection with Mansi P.S. Case No. 234 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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