

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42054 of 2019

Arising Out of PS. Case No.-49 Year-2019 Thana- LAKHISARAI District- Lakhisarai

1. Ramdeo Yadav, aged about 55 years, (Male) Son of Late Jagdish Yadav
2. Amit Yadav, aged about 18 years (Male) Son of Ramdeo Yadav
Both are resident of Village-Bannu Bagicha, P.S.-Chanan, District Lakhisarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Raj Kishore Sinha, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 10-07-2019 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 325, 307, 504 and 34 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Lakhisarai P.S. Case No. 49 of 2019.

3. It is submitted that the petitioners have been falsely implicated in retaliation to the earlier FIR in Lakhisarai P.S. Case No. 168 of 2018 instituted by the petitioner no. 2 against the informant's side. He invites reference to the order of the learned Additional Sessions Judge, Lakhisarai dated 16.04.2019 passed in ABP No. 91/2019 that the injury report was not produced by the prosecution. It is further submitted that there is delay of four days in instituting the FIR on 17.01.2019 for the alleged occurrence of 14.01.2019. Explanation for such delay itself is unbelievable as in fact the informant has been treated at Jamui whereas he has been brought to Lakhisarai to lodge the FIR at a long distance even though it is alleged that his hands and hips have been smashed by reason of



assault by the petitioners, who are accused in one prior case which is also between the same parties.

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 bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No. 49 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) 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.

(iv) 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.

(Vikash Jain, J)

BT/-

U		T	
---	--	---	--

