

N THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.51926 of 2019

Arising Out of PS. Case No.-86 Year-2019 Thana- BHAWANIPUR District- Purnia

1. Bimal Yaduka @ Bimal Kumar Yaduka aged about 51 years male S/o Gopal Kumar Yaduka
 2. Pintu Kedia @ Anil Kumar Kedia aged about 38 years male S/o Dwarika Lal Dediya
 3. Dilip Daga @ Dilip Kumar Daga aged about 32 years male S/o Late Gunesh Mal Daga
 4. Pinku Mukhiya @ Niraj Kumar aged about 38 years male S/o Baijnath Mukhiya
 5. Sunil Kediya @ Sunil Kumar Kediya aged about 39 years male S/o Polerem Kediaya
 6. Pradeep Bhagat aged about 40 years male S/o Manohar Bhagat
 7. Pawan Gupta @ Pawan Kumar Gupta aged about 36 years male S/o Mahendra Gupta
- All resident of village + P.S.- Bhawanipur, District- Purnea

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Ram Prawesh Kumar, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 21-08-2019

At the very outset, learned counsel for the petitioners submits that petitioner no. 1, namely, Bimal Yaduka @ Bimal Kumar Yaduka has already been arrested and as such his application has become infructuous.

2. As prayed, the anticipatory bail petition as against petitioner no.1, namely Bimal Yaduka @ Bimal Kumar Yaduka is permitted to be withdrawn and is dismissed as such.

3. As regards petitioner nos. 2 to 7, heard learned counsel on their behalf and learned APP for the State.

4. Petitioner nos. 2 to 7 apprehend their arrest for the



offences alleged under Sections 143, 147, 149, 341, 342, 353 and 504 of the Indian Penal Code registered in connection with Bhawanipur P.S. Case No. 86 of 2019.

5. It is submitted that the petitioner nos. 2 to 7 have been falsely implicated and there is general and omnibus allegation against all the accused persons and no specific overt act has been alleged against the petitioners. Similarly situated other accused persons have been granted anticipatory bail by a coordinate Bench of this Court vide order dated 20.08.2019 passed in Cr. Misc. No. 51757 of 2019. The petitioners claim clean antecedents.

6. Be that as it may, in the event of arrest or surrender of petitioner nos. 2 to 7, namely, Pintu Kedia @ Anil Kumar Kedia, Dilip Daga @ Dilip Kumar Daga, Pinku Mukhiya @ Niraj Kumar, Sunil Kediya @ Sunil Kumar Kediya, Pradeep Bhagat and Pawan Gupta @ Pawan Kumar Gupta before the court below within six weeks from the date of communication of this order, let them 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, Purnea in connection with Bhawanipur P.S. Case No. 86 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 petitioner nos. 2 to 7 shall be their close relatives.

(ii) That the petitioner nos. 2 to 7 shall not indulge in any similar offence till conclusion of the trial.

(iii) That petitioner nos. 2 to 7 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 petitioner nos. 2 to 7 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)

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