

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59461 of 2019

Arising Out of PS. Case No.-12 Year-2019 Thana- HUSSAINGANJ District- Siwan

1. HARENDRA YADAV Son of Late Jagdish Yadav Resident of Village - Khanpur Khairati, P.S.- Hussainganj, District- Siwan
2. Nand Kumar Yadav @ Ram Kumar Chaudhari Son of Late Jagdish Yadav Resident of Village - Khanpur Khairati, P.S.- Hussainganj, District- Siwan
3. Vipin Yadav @ Vipin Kumar Yadav Son of Nand Kumar Yadav @ Ram Kumar Chaudhari Resident of Village - Khanpur Khairati, P.S.- Hussainganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 20-11-2019 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, 201/34 of the Indian Penal Code registered in connection with Hussainganj P.S. Case No. 12/2019.

3. It is submitted that the petitioners have been falsely implicated on mere suspicion except which there is no other objective material to connect the petitioners with the alleged occurrence. The averments in the FIR that the informant's wife left the house to attend nature's call in the winter month at 4.30 a.m. is improbable. The petitioners have been implicated merely



because there were past enmity arising from land dispute, in the backdrop of which case and counter case had also been lodged between the parties in the past. There is no eye-witness to the alleged occurrence. No recovery of any incriminating articles have been made from the conscious possession of the petitioners. Except the aforesaid counter case in Hussainganj P.S. Case No. 141/2018 the petitioners claim clean antecedents.

4. Learned APP submits on the basis of case diary that there is land dispute between the parties and suspicion has been raised by various witnesses against the petitioners. However, he has not pointed to any objective material whatsoever in the case diary to connect the petitioners with the alleged occurrence.

5. Be that as it may and considering the absence of any objective material against the petitioners in the case diary, 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) with two sureties of like amount each to the satisfaction of learned CJM, Siwan, in connection with Hussainganj P.S. Case No. 12/2019, 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 bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Chandran/-

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

