

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68925 of 2018

Arising Out of PS. Case No.-54 Year-2017 Thana- BALIYA District-
Begusarai

- =====
1. Rahul Yadav @ Rahul Kumar son of Sikindar Yadav
 2. Sikandar Yadav son of Late Halkhori Yadav
 3. Mithilesh Kumar son of Shyamdeo Yadav
- All are resident of Village Tulsi Tola, P.S. Balia, District- Begusarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Pritish Kumar Lal, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 01-02-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehends their arrest for the offences alleged under Sections 147, 148, 149, 341, 323, 326, 307 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Balia P.S. Case No. 54 of 2017.

3. It is submitted that the petitioner has been falsely implicated in the backdrop of land dispute between the parties. The accusation against the petitioner no. 1 is general and omnibus in nature and the injury attributed to the petitioner no. 2, who is said to have assaulted with lathi is simple in nature. The petitioner no. 3 is said to have fired upon the son of the informant. The petitioners claims clean antecedents.

4. Considering the injury report contained in the case diary showing grievous injury caused by petitioner no.3 to the son of the informant by firearm, this Court is not inclined to grant the privilege of bail to him. The bail petition of petitioner no. 3



stands dismissed.

5. As regards petitioner no. 1 and 2, in the event of their arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners Rahul Yadav @ Rahul Kumar and Sikandar Yadav 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 Chief Judicial Magistrate, Begusarai in connection with Balia P.S. Case No. 54 of 2017 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) 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) 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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