

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63665 of 2019**

Arising Out of PS. Case No.-100 Year-2019 Thana- CHAUTHAM District-
Khagaria

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1. AMESH YADAV @ ABHESH KUMAR @ ABHESH YADAV S/O Sikandar Yadav Residence of Village- Sahorba, P.S.- Chautham, District- Khagaria.
 2. Amresh Yadav S/O Sikandar Yadav Residence of Village- Sahorba, P.S.- Chautham, District- Khagaria.
 3. Barlesh Yadav @ Brajesh Pd. Yadav S/O Sikandar Yadav Residence of Village- Sahorba, P.S.- Chautham, District- Khagaria.
 4. Sikandar Yadav S/O Domi Yadav Residence of Village- Sahorba, P.S.- Chautham, District- Khagaria.
 5. Pappu Yadav S/O Kishundeo Yadav Residence of Village- Sahorba, P.S.- Chautham, District- Khagaria.
 6. Girish Yadav @ Girish Prasad Yadav S/o Kishundeo Yadav Residence of Village- Sahorba, P.S.- Chautham, District- Khagaria.
 7. Nitish Kumar S/O Dinesh Yadav Residence of Village- Sahorba, P.S.- Chautham, District- Khagaria.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Binod Kumar, Advocate.

For the Opposite Party: Mr. Rajendra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 23-10-2019

Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 143, 307 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Choutham P.S. Case No. 100 of 2019, G.R. No. 1121 of 2019.

3. It is submitted that the petitioners have been falsely implicated in retaliation to the F.I.R. instituted earlier on 06.03.2019 by the wife of the petitioner no. 4 against the informant's side. The accusation of assault against the petitioners are general and omnibus in nature without any specific assault attributed individually by them. In any event the



injuries are simple in nature. Petitioner nos. 5 and 6 have one criminal antecedent while other petitioners claim clean antecedents.

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 Sri S.M. Tripathi, learned Judicial Magistrate 1st Class, Khagaria in connection with Choutham P.S. Case No. 100 of 2019, G.R. No. 1121 of 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 of each of the petitioners shall be their close relatives other than the petitioners herein.

(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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