

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6009 of 2020

Arising Out of PS. Case No.-96 Year-2019 Thana- UCHKAGAON District- Gopalganj

1. TOOFANI YADAV @ PREM SAGAR YADAV Son of Late Ramlal Yadav @ Ramlal Chaudhary Resident of Village - Pakari Srikant, P.S.- Uchakagaon, Dist.- Gopalganj.
2. Babu Nand Yadav Son of Late Ramlal Yadav @ Ramlal Chaudhary Resident of Village - Pakari Srikant, P.S.- Uchakagaon, Dist.- Gopalganj.
3. Rakesh Yadav @ Rakesh Kumar Yadav Son of Babunand Yadav Resident of Village - Pakari Srikant, P.S.- Uchakagaon, Dist.- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harendra Prasad

For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehends their arrest for the offences alleged under Sections 323, 324, 307, 386, 504/34 of the Indian Penal Code registered in connection with Uchakagaon P.S. Case No. 96/2019.

3. It is submitted that the petitioners have been falsely implicated in the complaint based FIR and has been filed in retaliation to the FIR filed by the petitioner no. 1 on 21.11.2018 (Annexure-2). There is inordinate delay in filing the complaint on 02.01.2019 for the alleged occurrence of 13.11.2018. The injuries are simple in nature as evident from the injury report (Annexure-3). The allegation of extortion is not made out on the averments in the FIR in absence of demand. The petitioners claim clean antecedents.

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 bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM IX, Gopalganj, in connection with Uchakagaon P.S. Case No. 96/2019, 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 bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Chandran/-

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