

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37092 of 2022

Arising Out of PS. Case No.-48 Year-2020 Thana- KHODAWANDPUR District- Begusarai

1. SAHEB YADAV Son of Late Ramotar Yadav, Resident of Village - Manjhaulkhaira Tola, P.S.- Cheria Bariyarpur (Manjhaul O.P.), District - Begusarai
2. Mukesh Yadav Son of Bhushan Yadav, Resident of Village - Manjhaulkhaira Tola, P.S.- Cheria Bariyarpur (Manjhaul O.P.), District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with
Khodawanpur (Chhaurahi O.P.) P.S. Case No. 48 of 2020 lodged
under Sections 364, 386 and 506/34 of Indian Penal Code.

As per prosecution, the informant has alleged that he
was returning to his house with his son, in the meantime a
Bolero *gadi* has chased and stopped them. The criminal sitting
on the Bolero have kidnapped on gun point and demanded
Rs.10,00,000/- in the F.I.R. The allegation of theft of a truck is
there.

Learned counsel for the petitioners submits that from

the F.I.R., it transpires that the real cause of dispute is to theft of a truck for which dispute between the informant Baijnath Yadav and his business partner Deep Narayan Yadav are there. Annexure-2 series are the documents of agreement attached with this bail petition. Learned counsel for the petitioners further submits that the present petitioners are being made accused only due to the reason that they are the relative of the Deep Narayan Yadav. He further submits that Deep Narayan Yadav has been granted bail by the Co-ordinate Bench of this Court vide order dated 22.02.2021 passed in Cr. Misc. No. 36191 of 2020. Learned counsel for the petitioners further submits that petitioners are in custody since 30.04.2022, charge sheet has already been filed and one case is pending against the petitioner no.2, in which he is on bail. He further submits that petitioners are ready to fulfill all the conditions whatsoever shall be imposed upon them by the Court.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of the case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to

the satisfaction of learned S.D.J.M., Manjhaul, Begusarai in connection with Khodawanpur (Chhaurahi O.P.) P.S. Case No. 48 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of their bail bonds.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that they shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of their present bail bonds.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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