

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51457 of 2015

Arising Out of PS.Case No. -197 Year- 2015 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

- =====
1. Kishore @ Raj Kishore Sah son of Rajbansh Sah, R/o Village Dhanechha, P.S. Durgawati, District Kaimur at Bhabua.
 2. Mahesh @ Mahesh Kumar Paswan son of Late Mantu Paswan, R/o village Dirkhili, P.S. Durgawati, District Kaimur at Bhabua.

..... Petitioner/s
Versus

1. The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.
For the Opposite Party/s : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 06-11-2015 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 341, 323, 307, 427, 353, 333 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Durgawati P.S. Case No. 197 of 2015.

3. It is submitted that the petitioners have been falsely implicated on the basis of general and omnibus accusations and no specific assault has been attributed nor specific role assigned to any of these petitioners. The accusations implicating the petitioners are improbable considering that there was a mob of about 400 to 500 persons. It is further submitted that petitioner no. 2 has clean criminal antecedent whereas petitioner no. 1 is accused in one

other case in which he is on bail.

4. Having regard to the entirety of the facts and circumstances of the case, 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 Chief Judicial Magistrate, Kaimur at Bhabua, in connection with Durgawati P.S. Case No. 197 of 2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions :

(i) The petitioners shall cooperate with the investigation 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.

(ii) The petitioners shall remain physically present on each and every date during trial and in the event of failure on two consecutive dates, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Md. Ibrarul/-

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