

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43881 of 2016

Arising Out of PS.Case No. -322 Year- 2015 Thana -KESARIA District-
EAST CHAMPARAN(MOTIHARI)

- =====
1. Mogal Khan Son of Wajul Khan
 2. Auranjeb Khan
 3. Allauddin Khan

Both sons of Mogal Khan

All residents of village - Bathna, P.S. Kesariya, District - East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Ms. Shahin Begum, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 04-10-2016

Heard learned counsel for the parties.

The petitioners seek pre-arrest bail in Kesariya P.S. Case
No. 322 of 2015 dated 26.12.2015 instituted under Sections
341/323/324/307/504/506 of the Indian Penal Code.

The allegation against the petitioners is general and
omnibus of having assaulted the daughter of the informant.

Learned counsel for the petitioners submits that the



parties are neighbours and there was dispute with regard to irrigating the field. It is submitted that the allegation of specific assault by knife is against other co-accused and not against the petitioners. However, it is submitted that general and omnibus allegation of assault on the daughter of the informant is cosmetic so as to implicate all the persons, who were present at the site, due to local enmity. It is further submitted that the petitioners have clean antecedent.

Learned A.P.P. submits that there is allegation of assault on the daughter of the informant. However, he is not in a position to controvert the fact with regard to alleged assault by the petitioners there is no injury report.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 11th Additional Chief Judicial Magistrate, East Champaran at Motihari in Kesariya P.S. Case No. 322 of 2015, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

The petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners. The petitioners shall also

give an undertaking to the Court that they shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

(Ahsanuddin Amanullah, J)

Anjani/-

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