

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8423 of 2016

Arising Out of PS.Case No. -2987 Year- 2014 Thana -COMPLAINT CASE District- ARRARIA

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1. Sita Devi wife of Shiv Narayan Mandal
 2. Naresh Mandal son of Late Jhaksu Mandal
 3. Rajendra Mandal son of Daraplal Mandal
 4. Dhurilal Mandal son of Late Madhu Mandal
 5. Phool Kumar Mandal son of Late Ammi Mandal
 6. Jai Narayan Mandal son of Rajendra Mandal
 7. Bharat Lal Mandal son of Dhanilal Mandal
 8. Daraplal Mandal son of Late Bachhi Mandal All residents of village - Kurwa Laxmipur, Police Station - Simraha, District - Araria.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioners : Mr. Anamul Haque, Advocate
For the Complainant : Mr. Naushaduzzoha, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 18-04-2016 Heard learned counsel for the petitioners and

learned APP for the State.

2. It is stated that the petitioner no. 6 namely, Jai Narayan Mandal, has already been arrested and as such his anticipatory bail application has become infructuous.

3. As prayed, the anticipatory bail application as against petitioner no. 6 is permitted to be withdrawn and is dismissed as such.

4. The petitioner nos. 1 to 5, 7 and 8 apprehend

their arrest for the offences alleged under Sections 420 and 34 of the Indian Penal Code registered in connection with Complaint Case No. 2987-C/2014.

5. It is submitted that the petitioner nos. 1 to 5, 7 and 8 have been falsely implicated in a dispute which is essentially of civil nature and for which Title Suit No. 273/4183 of 2014 filed by the petitioner no. 1 against the complainant is pending in the Court of Sub Judge Ist, Araria.

6. Learned counsel for the complainant appears *suo motu* and has been heard.

7. Having regard to the entirety of the facts and circumstances, in the event of arrest or surrender of the petitioner nos. 1 to 5, 7 and 8 before the court below within six weeks from the date of communication of this order, let the above named petitioner nos. 1 to 5, 7 and 8 be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M. II, Araria in connection with Complaint Case No. 2987-C/2014, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

(i) The petitioner nos. 1 to 5, 7 and 8 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 petitioner nos. 1 to 5, 7 and 8 shall remain physically present in Court 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)

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