

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 38560 of 2016

Arising out of P.S. Case No. - 241 Year - 2016 Thana - SIKARPUR District - WESTCHAMPARAN (BETTIAH)

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1. Chandra Kishore Prasad, Son of Late Mahadeo Prasad, resident of village – Hari Pakari, Police Station – Majhaulia, District West Champaran, at present Panchayat Sachiv of Panchayat Rakhahi Champapur, Block Narkatiaganj, District – West Champaran
 2. Nepali Mahato, Son of Tulasi Mahato, resident of village – Maghowa, Police Station – Laukariya, District – West Champaran, at present Panchayat Sachiv of Panchayat Gokhula & Barwa – Barauli, Block Narkatiaganj, District – West Champaran

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party : Smt Indu Kumari Srivastava, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 17-09-2016 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 409, 420, 188 and 34 of the Indian Penal Code registered in connection with Shikarpur P.S. Case No. 241 of 2016.

3. It is submitted that the petitioners being Panchayat Secretaries of Panchayat Rakhahi Champapur, Block Narkatiaganj, District West Champaran and Panchayat Gokhula & Barwa Barauli, Block Narkatiaganj, District West Champaran respectively have been falsely implicated and they had duly complied the instructions by sending the folders within the stipulated date being 30th July, 2016 whereas the first information report has been instituted even prior to that date on 09.06.2016 itself. Similarly situated co-accused Ramjee Mahato has been granted anticipatory bail vide order dated

06.09.2016 passed in Cr. Misc. No. 36755 of 2016. Petitioners claim clean antecedents.

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 bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 241 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C. and also subject to the following further conditions-

(i) One of the bailors of each of the petitioners shall be their close relative other than the petitioners herein.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate with the investigation and made 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) That 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)

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