

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38390 of 2016

Arising Out of PS.Case No. -54 Year- 2016 Thana - Bhaktiarpur (BKP) Kaneria P.S. District-
SAHARSA

- =====
1. Lackshman Sada @ Lashman Sada son of Kripal Sada
 2. Lachshman Sada son of late Parmeshwari Sada @ Parmeshwar Sada
 3. Rajesh Sada son of Basith Sada
 4. Dinesh Sada son of late Lakshmi Sada
 5. Dharmo Sada son of late Lakshmi Sada
- All R/o Village Kath Dumar Kanaria P.S. Bakhtiarpur, Distt. Saharsa.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance:

For the Petitioners : Mr. Vikram Singh, Advocate

For the Opposite Party : APP

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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 147, 148, 149, 448, 341, 323, 324, 354, 379 and 504 of the Indian Penal Code registered in connection with Bhaktiarpur (BKP) Kaneria P.S. Case No. 54 of 2016.

3. It is submitted that the petitioners have been falsely implicated and the accusations in the FIR are improbable. Though the occurrence is alleged to have transpired on two consecutive days, no complaint was filed in respect of the allegations relating to the earlier day, when the petitioner no. 4 Dinesh Sada caught the informant's hand and dragged her towards the field. It is further submitted that in any event the ingredients of the offence alleged are not made out against the petitioners.

4. Having regard to the entirety of the facts and

circumstances, 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 bails 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, Saharsa, in connection with Bhaktiarpur (BKP) Kaneria P.S. Case No. 54 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) That 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 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.

(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.

Chandran/BT

(Vikash Jain, J)

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