

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8188 of 2017

Arising Out of PS.Case No. -165 Year- 2016 Thana -THAWE District- GOPALGANJ

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1. Mankeshwar Upadhaya Son of Late Vikrama Upadhaya.
2. Vishwakarma Upadhyay Son of Late Yadunandan Upadhaya
3. Sunita Devi Wife of Mankeshwar Upadhaya All are residents of Village -
Uchahal Tola, P.S. Thawe, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhramveer

For the Opposite Party/s : Mr. Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 01-03-2017 The petitioners are apprehending their arrest in connection with Thawe P.S. Case No. 165 of 2016, registered for offences punishable under Sections 341, 323, 324, 504, 354, 379 and 34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that no specific allegation has been made against these petitioners and the they have been falsely implicated in this case due to land dispute. Petitioner no. 2 is aged about 80 years and petitioner no. 3 is a lady.

Learned counsel for the State also could not controvert the fact that no specific allegation has been levelled against these petitioners.

Having heard both sides, in view of the fact that there is land dispute between the parties and no overt act has been attributed to these petitioners and petitioners have no criminal



antecedents, let the petitioners above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Gopalganj in connection with Thawe P.S. Case No. 165 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

This is further subject to the conditions that:-

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioners shall cooperate in the investigation and make themselves available as and when required by the police and on the event of failure on their part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of their bail bonds.

(Vinod Kumar Sinha, J)

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