

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No 75009 of 2018

Arising Out of PS. Case No.-50 Year-2018 Thana- SIKARPUR District- West Champaran

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1. Nesar Mian, S/o Raiful Mian,
 2. Alauddin Mian, S/o Raiful Mian,
 3. Saratal Mian, S/o Raiful Mian,
 4. Basruddin Mian, S/o Late Hamid Mian,
 5. Manjur Mian, S/o Late Hamid Mian, All five are R/o Village- Kukara, P.S.- Shikarpur, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

For the Petitioner/s	:	Mr.Bimlesh Kumar Pandey
For the Opposite Party/s	:	Mr.Sri Panchanand Pandit

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 20-12-2018 Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners seek anticipatory bail in a case registered under Sections 147, 148, 149, 341, 323, 308, 379, 435, 325, 504 of Indian Penal Code.

It is submitted by the petitioners' counsel that the petitioners have been falsely implicated in this case on the basis of a dispute regarding cutting of Sisam tree from the disputed land. It is stated that the specific allegation of assault by iron rod is attributed to co-accused Serajul Mian and petitioner No 4 Basaruddin Mian. Petitioners have no criminal antecedent.

Considering the aforesaid submissions and the facts and circumstances of the case, prayer for anticipatory bail of petitioners No 1, 2, 3 and 5 is allowed. Let petitioners No 1, 2,



3 and 5 above named, in the event of their arrest or surrender within four weeks from today, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bettiah, West Champaran in Shikarpur Police Station Case No 50 of 2018 subject to all conditions as laid down in Section 438 (2) of Criminal Procedure Code and also with the following conditions:

(1) That one of the bailors will be a close relative of petitioners No 1, 2, 3 and 5 who will give an affidavit giving genealogy as to how he is related with petitioners No 1, 2, 3 and 5. The bailor will also undertake to inform the Court if there is any change in the address of petitioners No 1, 2, 3 and 5.

(2) That petitioners No 1, 2, 3 and 5 will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

So far prayer for anticipatory bail of petitioner No 4 above named is concerned, the same is rejected.

(Madhuresh Prasad, J)

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