

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52768 of 2018

Arising Out of PS.Case No. -358 Year- 2017 Thana -BATHNAHA District- SITAMARHI

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1. Nasim Laheri @ Md. Nasim Laheri,
 2. Tammane Laheri @ Tammane Alam Laheri, Both Son of Arse Alam Laheri,
 3. Shafi Mohammad Laheri @ Shafi,
 4. Niras Laheri,
 5. Abdus Kudus Laheri @ Abdul Kudus,
 6. Salam Laheri, All four Son of Asim Laheri,
 7. Bamrid Laheri @ Md. Gaus @ Bakrid Laheri @ Bakrid @ Gaus Laheri,
 8. Id. Mohammd Laheri @ Id. Mohammad @ Kaushar, Both Son of Abdul Kudus Laheri @ Abdul Kudus,
 9. Aslam Laheri @ Md. Aslam,
 10. Moslam Laheri @ Md. Moslam, Both Son of Nawas Laheri,
 11. Chune Laheri @ Md. Chune Laheri, Son of Shafi Mohammad Laheri @ Shafi,
 12. Nuren Laheri @ Nurain Laheri, Son of Salam Laheri,
 13. Jubair Alam @ Jubair Shekh, Son of Late Shahid Shekh,
 14. Sarvari Khatoon, W/o Jubair Alam @ Jubair Shekh,
 15. Junaid Khan, Son of Qyum Khan, All resident of Village- Kamaldah, P.S.- Bathnaha, District- Sitamarhi.

.... Petitioners

Versus

The State of Bihar

.... Opposite Partys

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Appearance :

For the Petitioners : Mr. Virendra Kumar

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 20-09-2018 Heard learned counsel for the petitioners and

learned APP for the State.

2. It is stated that the petitioner no. 13, namely,

Jubair Alam @ Jubair Shekh has already been arrested and as such

prayer has been made to withdraw application of petitioner no. 13



having become infructuous.

3. As prayed, the application of petitioner no. 13 is permitted to be withdrawn and dismissed as such.

4. The petitioners (except petitioner no. 13) apprehend their arrest for the offences alleged under Sections 147, 148, 323, 324, 307, 379, 427, 436, 504, 506 of the Indian Penal Code registered in connection with Bathnaha P.S. Case No. 358 of 2017.

5. It is submitted that the petitioners (except petitioner no. 13 namely Jubail Alam @ Jubail Shekh) have been falsely implicated in the backdrop of land dispute for which Bathnaha P.S. Case No. 360 of 2017 was instituted at the instance of the petitioners. There is thus case and counter case between the parties. The statement is made at the Bar that the injuries sustained by both sides are simple in nature. Petitioners claim clean antecedents.

6. Be that as it may, 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 (except petitioner no. 13) be released on bail 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, Sitamarhi in connection with Bathnaha P.S. Case No. 358 of 2017, 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 shall be a close relative of the petitioners.

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

(iii) The petitioners shall cooperate with the investigation, if not already concluded, 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) 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)

Md. Ibrarul/-

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