

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39913 of 2018

Arising Out of PS.Case No. -86 Year- 2018 Thana -BAJPATTI District- SITAMARHI

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1. Md. Asraf Ali @ Jilani @ Md. Asraf Hussain son of Md. Sabir Hussain
2. Md. Safi Ahmad son of Md. Jalal Ahmad Both residents of village -
Madhuban Gote, P.S. Bajpatti, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 12-07-2018 Heard the parties.

The petitioners are apprehending their arrest in connection with Bajpatti P.S.Case No.86 of 2018 , registered for offences punishable under Sections 353 and 387/34 of the Indian Penal Code.

Allegation against the petitioners as per FIR is that the petitioners were obstructing in the construction work of the drainage.

Submission of the learned counsel for the petitioners is that they had filed a petitioner before the Mukhiya, B.D.O. and others that the drainage work going on is already completed, as such he they falsely been implicated in this case, which will appear from Annexure-2 of the petitioner, and the same has been filed by the



petitioners on 20.3.2018 and the present case has been lodged on 17.4.2018

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above , let the petitioners, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of order, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Pupri, Sitamarhi in connection with Bajpatti P.S.Case No.86 of 2018 dated 17.4.2018 subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (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 will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of their bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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