

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52504 of 2018

Arising Out of PS.Case No. -3 Year- 2018 Thana -PALANWA District- EASTCHAMPARAN
(MOTIHARI)

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1. Shamshad Alam @ Shamshad Miyan Son of Lukman Miyan
2. Saddam @ Saddam Miyan Son of Lukman Miyan Both Resident of
Village- Gad Bahuari, South Tola, P.S. - Palanwa, District-East
Champaran, Motihari.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Madhav Jha, Advocate.

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 20-09-2018 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest for the
offences alleged under Sections 341, 342, 323, 324, 325, 326, 307,
376, 511, 504, 34 of the Indian Penal Code registered in connection
with Palanwa P.S. Case No. 03 of 2018.

3. It is submitted that the petitioners have been
falsely implicated and the allegations are general and omnibus in
nature. As regards the petitioner no. 1, the allegation of snatching
gold chain and locket worth of Rs. 1,00,000/- is on the face of it
unbelievable as admittedly the informant had gone out to the field



with her mother for cutting grass. The present F.I.R. has been instituted as counter case in respect of Palanwa P.S. Case No.04 of 2018 instituted by the petitioner. The parties were villagers and relatives. The petitioners claim clean antecedents.

4. 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 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 Sub-Divisional Judicial Magistrate, East Champaran, Motihari in connection with Palanwa P.S. Case No. 03 of 2018 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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