

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3242 of 2019

Arising Out of PS. Case No.-8 Year-2015 Thana- KOTWA District- East Champaran

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1. Upendra Rai, aged about 30 years, (Male), S/o Rekha Ray
 2. Naga Rai, aged about 25 years, (Male), S/o Late Ram Ayodhya Rai,
Both are residents of Village Talwa Pokhar, P.S. Kotwa, District East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Sunil Kumar No.III, Advocate
For the Opposite Party : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 24-01-2019 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, 386, 504, 506/34 of the Indian Penal Code registered in connection with Kotwa P.S. Case No. 8 of 2015.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute between the parties as Kotwa P.S. Case No. 74 of 2014 and Complaint Case No. C-116 of 2015 were also filed by co-accused Prem Chandra against the informant and the present FIR is in retaliation thereto. After due investigation the police has not found it to be a case of extortion. The petitioners claim clean antecedents.

4. Be that as it may, 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 bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-X,



Motihari, East Champaran, in connection with Kotwa P.S. Case No. 8 of 2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relative.

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

(iii) That 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.

(iv) That 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.

BT/Chandran

(Vikash Jain, J)

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