

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6341 of 2019

Arising Out of PS. Case No.-163 Year-2018 Thana- BELA District- Sitamarhi

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1. Md. Danish, Son of Md. Bakaullah
 2. Bakaullah Son of Marhum Md. Daud
 3. Samiullah Son of Abul Badu
 4. Md. Ekbal Son of Abdul Badu
 5. Rabana Khatoon Wife of Md. Jiyaullah
 6. Firoji Khatoon Wife of Md. Sanaullah
 7. Majda Khatoon Wife of Md. Nasim
 8. Tabassum Khatoon D/o- Md. Nasim
 9. Nayima Khatoon Wife of Md. Bakaullah
 10. Abdul Badud Son of Marhum Hagi Abdullah

All are Resident of Village - Betaha, P.S. - Bela, District Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar
For the Opposite Party/s : Mr. Bharat Lal

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 05-02-2019

Learned counsel for the petitioners Mr. Uday Kumar states that the petitioner no. 2 has already been arrested and seeks permission to withdraw the anticipatory bail petition as against him, as the same has become infructuous.

2. Permission is accorded. Anticipatory bail petition as against petitioner no. 2 is permitted to be withdrawn and is dismissed as such.

3. The petitioner nos. 1 and 3 to 10 apprehend their arrest for the offences alleged under Sections 341, 324, 307, 504, 506, 379, 34 IPC registered in connection with Bela P.S. Case No. 163 of 2018.

4. It is submitted that the petitioner nos. 1 and 3 to 10 have been falsely implicated in the backdrop of land dispute and there is case and counter case between the parties. The thrust of accusation of assault with dardia on the head of the informant is on co-accused Jiyaullah. The petitioner no.1 is said to have assaulted with iron pipe



on the informant's back, but the injuries are simple in nature. The petitioner nos. 1 and 3 to 10 claims clean antecedents.

5. Be that as it may, in the event of arrest or surrender by petitioner nos. 1 and 3 to 10 before the court below within six weeks from the date of communication of this order, let the above named petitioner nos. 1 and 3 to 10 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 SDJM Sadar, Sitamarhi, District Sitamarhi, in connection with Bela P.S. Case No. 163 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 petitioner nos. 1 and 3 to 10.

ii. That the petitioner nos. 1 and 3 to 10 shall not indulge in any similar offence till conclusion of the trial.

iii. That the petitioner nos. 1 and 3 to 10 shall co-operate 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 petitioner nos. 1 and 3 to 10 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.

Chandran/-

(Vikash Jain, J)

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