

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6066 of 2019

Arising Out of PS. Case No.-174 Year-2018 Thana- MAIRWAN District- Siwan

1. Mahesh Chauhan Son of Deghan Chauhan, Gender Male, aged about 40 years
2. Krishna Chauhan @ Krishna Mohan Chauhan, Gender Male, age 45 years, Son of Surujbali Chauhan
3. Yogendra Chauhan , Gender Male, age 40 years, Son of Rambachan Chauhan Resident of Village - Nawaka Tola, P.S. Mairwa, District Siwan

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Prabhakar Singh, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 04-02-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 323, 307, 452, 332, 333, 427 of the Indian Penal Code registered in connection with Mairwa P.S. Case No. 174 of 2018.

3. It is submitted that the petitioners have been falsely implicated and the first information report has been instituted against as many as 17 named accused persons. The accusation against the petitioners is general and omnibus in nature. No specific overt act has been attributed to the petitioners. Similarly situated accused persons, namely, Vijay Chauhan, Guchan Chauhan, Barelal Chauhan, Sunil Chauhan, Amar Chauhan, Jagdish Chauhan and Brij Kishor Chauhan @ Braj Kishri Chauhan have been granted anticipatory bail by a coordinate Bench of this Court vide order dated 09.10.2018 passed in Cr. Misc. No. 52909 of 2018. 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 -VII, Siwan in connection with Mairwa P.S. Case No. 174 of 2018, 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 relatives.

(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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