

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5342 of 2019

Arising Out of PS. Case No.-0081 Year-2018 Thana- KHANPURA District-
Samastipur

- =====
1. Umesh Das, aged about 50 years, Male, son of Kantu Das. Resident of Village- Sadipur Chandaha P.S.- Khanpur, District- Samastipur
 2. Rajesh Das @ Rajesh Kumar Das, aged about 20 years, Male, son of Umesh Das Both are Resident of Village- Sadipur Chandaha P.S.- Khanpur, District- Samastipur

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Abhay Shankar Singh, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 31-01-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 149, 307, 323, 341, 354, 380, 448 and 504 of the Indian Penal Code registered in connection with Khanpur P.S. Case No. 81 of 2018.

3. It is submitted that the petitioners have been falsely implicated and the thrust of accusation of assault upon the informant is on co-accused Sanjay Das. Petitioner no. 1 is said to be the order giver upon the co-accused Binod Das who assaulted Shivji Das. There is no accusation of assault whatsoever against the petitioner no. 2. No grievous injury has been sustained by the informant's side. 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, Samastipur in connection with Khanpur P.S. Case No. 81 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)

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