

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9808 of 2019

Arising Out of PS. Case No.-584 Year-2018 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. Md. Kaushar (Male-56 years), Son of late Md. Akhtar
 2. Nur Alam @ Md. Nur Alam (Male 27 years) Son of Md. Kaushar
Both Resident of Village - Rajoura- Akhtiyarpur P.S.- Muffasil, District –
Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Shubhesh Pandey, Mr. Nishi Kant Mr. Suraj Kumar Singh, Advocates
For the State	:	Mr. Chandra Sen Prasad Singh, APP
For the Informant	:	Mr. Pankaj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 26-04-2019 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, 323, 307, 379 and 504/34 of the Indian Penal Code registered in connection with Muffasil P.S. Case No. 584 of 2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute between the parties who are agnates. There is no injury report on record to corroborate the accusation of firing by petitioner no. 2, namely, Nur Alam @ Md. Nur Alam.

4. Learned APP assisted by learned counsel for the informant on the basis of the case diary submits that Sections 82 and 83 of the Cr.P.C. have been concluded against the petitioners and hence they are not entitled to the benefit of anticipatory bail.

5. In this regard, learned counsel for the petitioners submits



that process under Section 82 of the Cr.P.C. itself was not valid, considering that the same has been issued before expiry of the mandatory 30 day period. Reliance has been placed on a decision of a coordinate Bench of this Court in Cr. Misc. No. 75288 of 2018 (*Bharat Yadav and Anr. Vs. The State of Bihar*).

6. 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 Chief Judicial Magistrate, Begusarai in connection with Muffasil P.S. Case No. 584 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives other than the petitioners herein.

(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/-

(Vikash Jain, J)

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