

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8731 of 2019

Arising Out of PS. Case No.-619 Year-2018 Thana- KAHALGAON District-
Bhagalpur

- =====
1. Kapildeo Mandal aged about 34 years, male Son of Saryug Mandal
 2. Mantu Mandal @ Manoranjan Mandal aged about 46 years, male, Son of Saryug Mangal, both are Resident of Village- Shahpur, Parmanandpur, P.S.- Ghogha, District- Bhagalpur.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Rajive Ranjan Singh, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 14-02-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 307/34 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Kahalgaon (Ghogha) P.S. Case No. 619 of 2018.

3. It is submitted that the petitioners have been falsely implicated and in any event there is no specific accusation of any overt act whatsoever against these petitioners. The injuries caused to the informant's side are attributable to assault by co-accused Niranjan Mandal. The accusations have been made in the backdrop of pending Title Suit No. 280 of 2010 pending before the learned Sub-Judge, Kahalgaon. There is no accusation against the petitioners in order to attract the provisions of the Arms Act. There are two prior cases of different nature in which the petitioners are made accused.

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 bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon (Ghogha) P.S. Case No. 619 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 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 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) 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.

(Vikash Jain, J)

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