

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12972 of 2019

Arising Out of PS. Case No.-70 Year-2018 Thana- GAUNAHA District- West Champaran

1. Sariyat Alam @ Sariyat Alam Khan (M), aged about 58 years,
2. Alamgir Khan (M) aged about 50 years.
3. Bhola Khan (M) aged about 50 years.
4. Gausul Khan @ Gaisul Khan (M) aged about 45 years.
Petitioner No. 1 to 4 all are sons of Late Md. Jan Khan.
5. Md. Akshay Khan @ Arshad Khan @ Akshay Khan @ Arshad Khan (M)
aged about 24 years. Son of Sariyat Alam.
6. Sanaullah Khan (M) aged about 20 years
Both are sons of Sariyat Alam @ Sariyat Alam Khan.
7. Asharafi Sharma @ Asharafi Lal Sharma (M) aged about 35 years Son of
Mofil Sharma
8. Punam Sharma @ Punum Sharma @ Punnu Sharma (M) aged about 55
years, S/o- Late Mahanth Sharma
9. Mofil Sharma (M) aged about 65 years, S/O Late Mahanth Sharma
All resident of Village- Madhopur, Bairiya, P.S.- Gaunaha, District- West
Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mrs. Shally Kumari, Advocate
For the Opposite Party : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 05-03-2019 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences
alleged under Sections 379, 385 and 427 of the Indian Penal Code
registered in connection with Gaunaha P.S. Case No. 70 of 2018.

3. It is submitted that the petitioners have been falsely
implicated in the backdrop of long standing land dispute and for
which a number of cases have been filed against some of the
petitioners in which they are on bail. There is inordinate delay in



instituting the first information report on 03.07.2018 for the alleged occurrence of 09.05.2018.

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 Sub-Divisional Judicial Magistrate, Bettiah, West Champaran in connection with Gaunaha P.S. Case No. 70 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.

(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

U		T	
---	--	---	--

(Vikash Jain, J)

