

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11062 of 2019

Arising Out of PS. Case No.-29 Year-2017 Thana- DHAKA District- East Champaran

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1. Wakar Khan, aged about 43 years (M),
 2. Osaf Khan, aged about 40 years (M),
 3. Aslam Khan, aged about 49 years (M)
- All sons of Jamal @ Jalal Khan, Resident of Village - Pandari, P.S.- Dhaka,
District - East Champaran.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Abhishek Kumar, Mrs. Rashmi Jha, Advocates
For the Opposite Party	:	APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 25-02-2019 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, 447, 504, 506, 427, 307, 324, 323, 448 and 380 of the Indian Penal Code and 27 of the Arms Act registered in connection with Dhaka P.S. Case No. 29 of 2017.

3. It is submitted that the petitioners have been falsely implicated and in any event, specific accusation of assault is against other co-accused persons. Petitioner no. 1 along with co-accused Firoz Khan is alleged to have taken away old ornaments and cash which is mere embellishment. There is no whisper of any accusation against petitioner nos. 2 and 3. 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 Sub-Divisional Judicial Magistrate, Sikharna at Dhaka, District East Champaran in connection with Dhaka P.S. Case No. 29 of 2017, 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 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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