

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.12052 of 2019**

Arising Out of PS. Case No.-720 Year-2018 Thana- MOHANIYA District-  
Kaimur (Bhabua) \*

- =====
1. Birendra Singh @ Birendra Kumar Singh, aged about 56 years, male, Son of Bhagwan Singh Resident of Village - Kauri Ram, P.S.- Mohaniya, District- Kaimur
  2. Krishna Singh @ Krishna Kumar Singh , aged about 35 years, male, son of Birendra Singh Resident of Village - Kauri Ram, P.S.- Mohaniya, District- Kaimur
  3. Kanhaiya Singh @ Kanhaiya Kumar Singh aged about 22 years, male, Son of Birendra Singh Resident of Village - Kauri Ram, P.S.- Mohaniya, District- Kaimur

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioners : Mr. Sumeet Kumar Singh, Advocate.

For the Opposite Party: APP

For the Informant : Mr. Rakesh Kumar

Mr. Satyendra Kumar Pandey, Advocates.

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL ORDER

2      27-02-2019                      Heard learned counsel for the petitioners and learned  
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 448, 341, 323, 504, 384, 506, 379/34 of the Indian Penal Code registered in connection with Mohania P.S. Case No. 720 of 2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute and to put pressure upon the petitioners by the informant who has filed Title Suit No. 1031 of 2018 for cancellation of sale deed of petitioner nos. 2 and 3 who are the sons of petitioner no. 1. There is delay of two days in institution of F.I.R. on 27.12.2018 for the alleged occurrence of 25.12.2018. Petitioner no. 1 was accused in one prior case in



which he has been acquitted, while petitioner nos. 2 and 3 claim clean antecedents.

4. Learned APP assisted by learned counsel for the informant opposes the anticipatory bail petition.

5. 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, Kaimur at Bhabhua in connection with Mohania P.S. Case No. 720 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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