

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16878 of 2019

Arising Out of PS. Case No.-344 Year-2018 Thana- KRITYANAND NAGAR District-
Purnia

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1. DILIP BISHWAS Son of Jaidev Bishwas Resident of Village- Champa Nagar, P.S.- K.Nagar, District- Purnea.
 2. Jaidev Bishwas @ Jaideo Bishwas Son of Late Kadamalal Bishwas Resident of Village- Champa Nagar, P.S.- K.Nagar, District- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikram Singh

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 02-05-2019 Learned counsel for the petitioners states that the petitioner no. 1 has been arrested and seeks permission to withdraw the anticipatory bail petition, as it has become infructuous as against him.

2. Permission is accorded. Anticipatory bail petition as against petitioner no. 1 is permitted to be withdrawn and is dismissed as such.

3. The petitioner no. 2 apprehends his arrest for the offences alleged under Sections 341, 323, 324, 307,379,504, 506/34 IPC registered in connection with K. Nagar (Champanagar) P.S. Case No. 344 of 2018.

4. It is submitted that the petitioner no. 2 has been falsely implicated in the backdrop of land dispute. In any event it is submitted on instruction that the accusation of assault with farsa by petitioner no. 2 on Santosh Kumar is not corroborated as there is no injury by farsa sustained by him. The petitioner no. 2 is accused in one prior case instituted at the instance of the same informant.

5. Be that as it may, in the event of the petitioner no. 2 arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner no. 2 be



released on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, Purnea, in connection with K. Nagar (Champanagar) P.S. Case No. 344 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 shall be a close relative of the petitioner no.2.

ii. That the petitioner no.2 shall not indulge in any similar offence till conclusion of the trial.

iii. That the petitioner no. 2 shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

iv. The petitioner no.2 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, his bail bond shall be liable to be cancelled by the learned Court concerned.

6. The provisional bail granted to the petitioner no. 2 shall stand confirmed upon verification by the learned Court below, preferably within a further period of twelve weeks after furnishing bail bonds that the injury sustained by Santosh Kumar, if any, does not support the accusation of assault with farsa and the injuries are not grievous in nature. In case the claim of petitioner no. 2 fails upon verification, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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