

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27891 of 2019**

Arising Out of PS. Case No.-88 Year-2018 Thana- LAURIA District- West
Champaran

- =====
1. CHANDAR SHARMA @ CHANDAR KUMAR SHARMA @ Chandan Kumar Sharma @ Chandan Sharma, male, aged about 28 years Son of Mohar Sharma, Resident of Village-Lauriya, Mishra Tola, Police Station-Lauriya, District-West Champaran.
 2. Pradeep Sharma @ Pradeed Kumar Sharma @ Pardeep Kumar Sharma, male, aged about 25 years, Son of Mohar Sharma, Resident of Village-Lauriya, Mishra Tola, Police Station-Lauriya, District-West Champaran.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Sanjay Kumar No 7, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 29-04-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 447, 323, 354B, 379, 504, 506/34 of the Indian Penal Code registered in connection with Lauriya P.S. Case No. 88 of 2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of petty dispute over cleaning drain. Injuries are simple in nature. The informant is in the habit of making similar allegations as evident from Lauriya P.S. Case No. 83 of 2013 and Lauriya P.S. Case No. 70 of 2013 instituted by her



against different persons. The petitioners claim clean antecedents.

4. Learned APP invites reference to the order of the learned Additional Sessions Judge, West Champaran, Bettiah wherein it has been recorded that the informant has filed the aforesaid two cases against the petitioners.

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 provisional 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, West Champaran at Bettiah in connection with Lauriya P.S. Case No. 88 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.

6. The provisional bail shall be confirmed upon verification by the learned Court below that the petitioners have not been named in the two F.I.R. namely Lauriya P.S. Case No. 83 of 2013 and Lauriya P.S. Case No. 70 of 2013 instituted by the informant. If the petitioners have been named therein, the provisional bail shall stand automatically cancelled.

(Vikash Jain, J)

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