

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16873 of 2019

Arising Out of PS. Case No.-605 Year-2018 Thana- MOHANIYA District- Kaimur (Bhabua)

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1. Moti Ram, aged about 42 years, Gender- Male, Son of Late Haricharan Ram
 2. Deepak Ram, aged about 23 years, Gender-Male, Son of Moti Ram
 3. Dilip Ram @ Dilap Ram , aged about 18 years, Gender-Male, Son of Moti Ram
All resident of village- Mohania (Rasulpur Karmahari), P.S.- Mohania,
District- Kaimur at Bhabua

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Krishna Pd. Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the Opposite Party	:	APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 26-03-2019 At the very outset, learned senior counsel for the petitioners states that the petitioner nos. 1 and 2, namely, Moti Ram and Deepak Ram have already been arrested and as such their application has become infructuous.

2. As prayed, the anticipatory bail petition as against petitioner nos. 1 and 2, namely, Moti Ram and Deepak Ram is permitted to be withdrawn and is dismissed as such.

3. Heard learned senior counsel for petitioner no. 3 and learned APP for the State.

4. Petitioner no. 3, namely, Dilip Ram @ Dilap Ram apprehends his arrest for the offences alleged under Sections 302, 323, 427, 341, 147, 148 and 149 of the Indian Penal Code registered in connection with Mohania P.S. Case No. 605 of 2018.

5. It is submitted that petitioner no. 3 has been falsely implicated and even according to the first information report which has been instituted against as many as 19 named accused persons and 50-60 unnown persons, the accusation of stone-pelting is general and



omnibus in nature without any injury being assigned individually. There is case and counter case between the parties in which the petitioner s' side has received firearm injuries. It is submitted that the petitioner no. 3 is employed with JMD Textiles, Dadra, Mumbai where he was working on the date of alleged occurrence (Annexure-4). The petitioner claims clean antecedents.

6. Be that as it may, in the event of arrest or surrender of petitioner no. 3, namely, Dilip Ram @ Dilap Ram before the court below within six weeks from the date of communication of this order, let him be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Mohania P.S. Case No. 605 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 shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner 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.

(iv) That the petitioner shall cooperate 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.

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(Vikash Jain, J)

