

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19664 of 2019**

Arising Out of PS. Case No.-549 Year-2018 Thana- GAYA KOTWALI
District- Gaya

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1. Shankar Prasad @ Shankar Pd. Sao, aged about 54 years, male, Son of Late Sita Sao Resident of Village/Mohalla- Bari Road, Kathokar Talab, P.S.- Civil Line, District- Gaya.
 2. Mahendra Kumar, aged about 50 years, male, Son of Munni Sao Resident of Village/Mohalla- Gosaibagh, Kabir Bagh, Tekari Road, P.S.- Kotwali, District- Gaya.
 3. Shyam Sao @ Ravindra Kumar aged about 42 years, male, Son of Muni Sao Resident of Village/Mohalla- Gosaibagh, Kabir Bagh, Tekari Road, P.S.- Kotwali, District- Gaya.
 4. Satyendra Prasad @ Satyendra Kumar aged about 39 years, male, Son of Munni Sao Resident of Village/Mohalla- Gosaibagh, Kabir Bagh, Tekari Road, P.S.- Kotwali, District- Gaya.
 5. Sumit Kumar aged about 19 years, male, Son of Mahendra Kumar Resident of Village/Mohalla- Gosaibagh, Kabir Bagh, Tekari Road, P.S.- Kotwali, District- Gaya.
 6. Bijendra Kumar aged about 36 years, male, Son of Satyendra Kumar Resident of Village/Mohalla- Gosaibagh, Kabir Bagh, Tekari Road, P.S.- Kotwali, District- Gaya.
 7. Vivek Kumar @ Vivke Kumar, aged about 28 years, male, Son of Satyendra Kumar Resident of Village/Mohalla- Gosaibagh, Kabir Bagh, Tekari Road, P.S.- Kotwali, District- Gaya.
 8. Janardhan Kumar, aged about 20 years, male, Son of Satyendra Kumar Resident of Village/Mohalla- Gosaibagh, Kabir Bagh, Tekari Road, P.S.- Kotwali, District- Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Tej Narayan Singh, Advocate.

For the Opposite Party: Mr. J.K. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 03-04-2019 Learned counsel for the petitioners states that the

petitioner nos. 1, 4 and 8 have been arrested and as such the

anticipatory bail petition of petitioner nos. 1, 4 and 8 has become



infructuous and seeks permission to withdraw the same.

2. Permission is accorded. The anticipatory bail petition of petitioner nos. 1, 4 and 8 stands dismissed as withdrawn.

3. The petitioner nos. 2, 3, 5, 6, and 7 apprehend their arrest for the offences alleged under Sections 406, 387, 506/34 of the Indian Penal Code registered in connection with Kotwali P.S. Case No. 549 of 2018.

4. It is submitted that the petitioner nos. 2, 3, 5, 6 and 7 have been falsely implicated and in any event the dispute between the parties is of civil nature as the petitioners' side is said to be the tenant of the informant, all of whom are relatives. The informant had filed Eviction Suit No. 06 of 2017 against the petitioner nos. 1 and 2, further proceedings have been stayed by this Court. The present F.I.R. has therefore been filed to somehow evict the petitioners by making out of false case of demand for rangdari to vacate the rented shop of the informant. The present F.I.R. is in retaliation of Civil Line P.S. Case No. 169 of 2017 filed by the petitioner no. 1 against the informant and his sons, which is pending for trial.

5. Be that as it may, in the event of the petitioner nos. 2, 3, 5, 6 and 7 arrest or surrender before the court below within six weeks from the date of communication of this order, let them 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, Gaya in connection with Kotwali P.S. Case No. 549 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 petitioner nos. 2, 3, 5, 6 and 7 shall be their close relatives other than the petitioners herein.

(ii) That the petitioner nos. 2, 3, 5, 6 and 7 shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner nos. 2, 3, 5, 6 and 7 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 petitioner nos. 2, 3, 5, 6 and 7 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.

Ibrar/BT

(Vikash Jain, J)

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