

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17533 of 2019

Arising Out of PS. Case No.-148 Year-2018 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. UPENDRA SADA @ OPENDRA SADA Son of Late Tillo Sada Resident of Village - Sultanpur, P.S.- Kusheshwar Asthan, Distt - Darbhanga.
 2. Kamal Sada Son of Thako Sada Resident of Village - Sultanpur, P.S.- Kusheshwar Asthan, Distt - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Jha

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 26-03-2019 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehends their arrest for the offences alleged under Sections 147, 148, 341,323, 342,307, 302, 504, 506 IPC registered in connection with Kusheshwar Asthan P.S. Case No. 148 of 2018, GR No. 377/2018.

3. It is submitted that the petitioners have been falsely implicated and even according to the FIR the petitioners are not alleged to have assaulted the deceased Balo Yadav. The thrust of accusation of assault upon the deceased is upon co-accused Neeraj Choudhary, Pushpaj and Ram Lochan. The accusation of assault by petitioner no. 1 upon Shyam Yadav and by petitioner no. 2 upon Pappu and Arjun is not supported as there is no injury report on record. Similarly situated co-accused Subhkala Devi and Chandi Devi have been granted anticipatory bail by this Court in Cr. Misc. No. 6356 of 2019. The petitioner no. 1 is accused in two other cases, both at the instance of the present informant and after investigation the petitioner no. 1 was not sent up or trial. The petitioner no. 2 claims clean antecedents



4. 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 Mr. Kumar Sudhansu, learned J.M. Ist Class, Biraul, District Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 148 of 2018, GR No. 377/2018, 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 petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate 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. 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.

Chandran/-

(Vikash Jain, J)

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