

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17591 of 2019

Arising Out of PS. Case No.-104 Year-2017 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. RAJ KISHORE PRASAD Son of Late Shiv Shankar Prasad Resident of Village - Damodarpur, Dumri, P.S.- Kudhani, District- Muzaffarpur, Presently resides At - Singh Rai West Mahua,P.S.- Mahua, District- Vaishali
 2. Badal @ Prakash Badal Son of Raj Kishore Prasad Resident of Village - Damodarpur, Dumri, P.S.- Kudhani, District- Muzaffarpur, Presently resides At - Singh Rai West Mahua,P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Md. Monaf Son of Md. Sohrad Resident of Village - Maithurapur @ Maithoura, P.S.- Sakra, District - Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh
For the Opposite Party/s : Ms.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 27-03-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 406, 323, 504 IPC registered in connection with Complaint Case No. 104/2017, corresponding to Tr. No.1513/2018.

3. It is submitted that the petitioners have been falsely implicated and the dispute between the parties is of civil nature involving extension of lease period of land. The accusation of demand and extortion at gun point is mere embellishment and cognizance has not been taken in that behalf. There is delay in filing the complaint on 13.01.2017 for the alleged occurrence upto 30.12.2016. The petitioners claim 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 learned Sub Judge-XIIIth-cum-ACJM IV, Muzaffarpur, in connection with Complaint Case No. 104/2017, corresponding to Tr. No.1513/2018 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.

(Vikash Jain, J)

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