

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.30397 of 2019

Arising Out of PS. Case No.-759 Year-2018 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. Bhagirath Singh, Male, aged about 35 years,
 2. Ram Nagina Singh @ Nagina Singh, Male, aged about 78 years,
Both sons of Late Prabhu Sharan Singh
 3. Manas Kumar @ Chiness Fighter, Male, aged about 18 years, Son of
Bhagirath Singh
 4. Mamta Kumari, Female, aged about 36 years, Wife of Bhagirath Singh
 5. Kari Singh, male aged about 45 years, Son of Ram Nagina Singh
All are reesident of Village-Ward No.10, Kothiya, Dhobauli, P.S.-
Muffashil(Lakho), District - Begusarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Prem Kumar, Advocate
For the State	:	APP
For the Informant	:	Mr. Shubesh Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 02-08-2019 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, 323, 307, 354, 448, 504, 506 and 34 of
the Indian Penal Code registered in connection with Mufasil (Lakho)
P.S. Case No. 759 of 2018.

3. It is submitted that the petitioners have been falsely
implicated in the backdrop of land dispute and there is case and
counter case between the parties who are Gotias. The injuries
sustained by the informant's side are simple in nature. The petitioners
claim clean antecedents.



4. Learned APP assisted by learned counsel for the informant states that as far as petitioner no. 1 is concerned, he is accused in one prior case in Begusarai Muffasil P.S. Case No. 55 of 2007. However, this fact has not been stated in paragraph 3 of the petition.

5. Be that as it may, in the event of arrest or surrender of the petitioners before the court below within six weeks from the date of communication of this order, let petitioner nos. 2, 3, 4 and 5 be released on bail and petitioner no. 1 on provisional bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Muffasil (Lakho) P.S. Case No. 759 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 of each of petitioners shall be their close relatives.

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

(iii) That petitioner nos. 1, 2, 3 and 5 shall remain physically present in court on each and every date during trial and petitioner no. 4 shall be well represented in court on each and every date during trial except as and when directed by the learned court below to be physically present 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.

(iv) That 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.

5. The provisional bail granted to petitioner no. 1 shall be confirmed by the learned court below within a period of four weeks after furnishing bail bonds upon verification that the petitioner no. 1



is not accused in Begusarai Muffasil P.S. Case No. 55 of 2007 or he has since been acquitted. If found otherwise, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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