

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.19716 of 2019

Arising Out of PS. Case No.-322 Year-2018 Thana- KHAIRA District- Saran

Diljan Sah, aged about 26 years, Male, S/o Late Shivjee Sah, Resident of Kadipur Tole, Nabiganj, Police Station - Khaira (Nagra), District-Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Harish Kumar, Advocate

For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 03-04-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 147, 148, 149, 341, 323, 353, 307, 332, 333, 504, 427 and 452 of the Indian Penal Code registered in connection with Khaira (Nagara) P.S. Case No. 322 of 2018.

3. It is submitted that the petitioner has been falsely implicated and the first information report is against 25 named accused persons and 50-60 unknown. The petitioner is one of the members of the mob and the accusations are general and omnibus in nature without any specific accusation attributed to him individually. Similarly situated accused persons, namely, Puran Sah and Vikash Kumar @ Vikash Sah; and Amarnath Kumar @ Amarnath Sah, Harendra Sah @ Haricharn Sah @ Harichand Kumar and Sheodeyal Sah @ Sheodeyal Prasad, have been granted anticipatory bail by a coordinate Bench of this Court vide orders dated 05.02.2019 and 19.02.2019 passed in Cr. Misc. No. 6620 of 2019 and Cr. Misc. No. 9917 of 2019, respectively. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest



or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner 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 Additional Chief Judicial Magistrate-X, Chapra, Saran in connection with Khaira (Nagara) P.S. Case No. 322 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.

BT/-

(Vikash Jain, J)

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