

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19800 of 2019

Arising Out of PS. Case No.-79 Year-2016 Thana- MAHILA P.S. District- Rohtas

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1. Sumit Kumar @ Sumit Kumar Surya, aged about 40 years (Male)
 2. Tuntun Kumar, aged about 30 years (Male)
 3. Dheeraj Kumar, aged about 27 years (Male) All sons of Late Kamal Kumar Gupta
 4. Narendra Paswan aged about 42 years (Male) Son of Sheopujan Paswan @ Bachnu Paswan
- All are Resident of Village - Bharandua, P.S.- Chenari, District- Rohtas

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Rajani Kant Singh, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

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

2. The petitioners apprehend their arrest for the offences alleged under Sections 323, 341, 354, 379, 147, 148 and 506/34 of the Indian Penal Code registered in connection with Mahila P.S. Case No. 79 of 2016.

3. It is submitted that the petitioners have been falsely implicated on the accusation of cutting standing crops from the field of the informant. It is submitted that the parties are agnates and there is longstanding land dispute between the parties. In the past, subject land was decreed in favour of the petitioners' side in Title Suit No. 260 of 1992 (Annexure-2). The mother of the petitioners had also filed an FIR in Chenari P.S. Case No. 190 of 2015 against the informant's side. It is submitted that the offence under Section 379 of the IPC is not made out against the petitioners in view of the decree



having been passed in their favour.

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 bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of Mr. S.K. Sharma, learned Additional Chief Judicial Magistrate-cum-Sub Judge-VI, Sasaram, District Rohtas in connection with Mahila P.S. Case No. 79 of 2016, 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 the petitioners shall be their close relatives.

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

(iii) That 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.

(iv) That the 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.

BT/-

(Vikash Jain, J)

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