

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.77209 of 2018**

Arising Out of PS. Case No.-148 Year-2018 Thana- BAIRIYA District- West Champaran

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1. Madan Sah @ Madan Prasad son of Late Chaturi Sah,
2. Gappu Kumar son of Sri Madan Sah,
3. Kanhaiya Sah @ Kanhaiya Lal Sah son of Sri Ambika Sah,  
All Residents of Village- Balua Rampurwa, P.S. Bairiya, District- West Champaran.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioners : Mr. Umesh Chandra Verma, Advocate  
For the Opposite Party : APP

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**  
**ORAL ORDER**

3      29-03-2019                      As prayed, learned counsel for the petitioners is permitted to make corrections in the names of the village and police station of the petitioners in the cause title of the petition in course of the day.

2. Heard learned counsel for the petitioners and learned APP for the State.

3. The petitioners apprehend their arrest for the offences alleged under Sections 147, 341, 447, 323, 308, 379, 504 and 506/34 of the Indian Penal Code registered in connection with Bairiya P.S. Case No. 148 of 2018.

4. It is submitted that the petitioners have been falsely implicated as the accusations of assault are not supported by the injury reports which in any event disclose that the injuries are simple in nature except one injury on the left little finger of the left hand of the informant. However, such injury does not also support the accusation of assault by petitioner no. 3 Kanhaiya Sah who is said to have assaulted with spear (*Barchhi*) but no sharp cutting injury was caused rather the injury was in the nature of fracture. The petitioners



claim clean antecedents.

5. 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 learned Additional Chief Judicial Magistrate -IV, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 148 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 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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