

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77438 of 2018

Arising Out of PS. Case No.-124 Year-2018 Thana- MADHUBAN District- East Champaran

1. Binda Prasad son of Kishuni Bhagat,
2. Yodha Parasad @ Yodha Bhagat
3. Nandlal Prasad,
4. Mahabir Prasad, All sons of Jai Narayan Bhagat,
5. Anil Prasad,
6. Rakesh Kumar, Both sons of Late Vishwanath Bhagat,
7. Wokil Prasad, son of Late Jugul Bhagat,
8. Jainarayan Bhagat,
9. Kishuni Bhagat,
10. Jagarnath Bhagat, petitioner nos. 8, 9 and 10 are sons of Late Saryug Bhagat,
11. Sangeeta Devi, wife of Birendra Prasad,
12. Phul Kumari Devi, wife of Binda Prasad,
13. Rinku Devi, wife of Nandlal Prasad,
14. Suga Devi, wife of Wokil Prasad,
15. Meena Devi, wife of late Vishwanath Prasad,@ Late Vishwanath Bhagat,
All residents of Village – Sawangiya, P.S. - Madhuban, District - East Champaran.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 07-02-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 341, 323, 324, 307m 379m 354(B), 448, 452, 504 and 506 of the Indian Penal Code registered in connection with Madhuban P.S. Case No. 124 of 2018.

3. It is submitted that the petitioners have been falsely implicated as the accusation of assault is general and omnibus in nature. The thrust of accusation of assault by knife on the informant's wife is upon co-accused Lal Babu Prasad. No specific overt act has



been attributed to any of the petitioners.

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 learned 4th Additional Chief Judicial Magistrate, Motihari, East Champaran in connection with Madhuban P.S. Case No. 124 of 2018, subject to the conditions as laid down under Section 438 (2) 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 petitioner nos. 11 to 15 will be well represented and petitioner nos. 1 to 10 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/Chandran

(Vikash Jain, J)

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