

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21978 of 2019

Arising Out of PS. Case No.-548 Year-2018 Thana- MADHAURAH District- Saran

1. RAM PARVESH PRASAD Son of Late Prabhunath Prasad Resident of Village- Pethi Baij, P.S.- Marhowrah, District- Saran.
2. Raja Prasad Son of Late Baijnath Prasad Resident of Village- Pethi Baij, P.S.- Marhowrah, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai

For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 08-04-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 324, 325, 307,506,504/34 IPC registered in connection with Marhowrah P.S. Case No. 548/2018.

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. The injuries on Dharmnath Singh attributed to the assault of petitioner no. 2 is simple in nature. The petitioners claim clean antecedents.

4. Having regard to the nature of accusations and gravity of offence alleged and considering the grievous nature of injuries caused by Brajesh Kumar Singh attributed to the assault of petitioner no.1, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner no. 1. The petition as against him stands dismissed.



5. As regards petitioner no. 2 in the event of his arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner no. 2 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 ACJM VIII, Saran at Chapra in connection with Marhowrah P.S. Case No. 548/2018., subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

i. That one of the bailors shall be a lose relative of the petitioner no. 2.

ii. That the petitioner no. 2 shall not indulge in any similar offence till conclusion of the trial.

iii. That the petitioner no. 2 shall co-operate 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.

iv. The petitioner no. 2 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.

(Vikash Jain, J)

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