

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22772 of 2019**

Arising Out of PS. Case No.-363 Year-2018 Thana- JOKIHAT District-
Araria

- =====
1. KAISAR aged 35 years, male, Son of Ibrar @ Md. Ibrar @ Md. Ebrar Alam Resident of Village - Girda, Kamat Tola, P.S.- Jokihat, District - Araria
 2. Ibrar @ Md. Ibrar @ Md. Ebrar Alam, aged 58 years, male, Son of Late Abu Bakar Resident of Village - Girda, Kamat Tola, P.S.- Jokihat, District - Araria
 3. Muzammil, aged 40 years, male, Son of Late Bachhu Resident of Village - Girda, Kamat Tola, P.S.- Jokihat, District - Araria

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Md. Naushad Uzzoha, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 10-04-2019

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, 384, 447, 504, 506/34 of the Indian Penal Code registered in connection with Jokihat P.S. Case No. 363 of 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. In the past petitioner no. 3 had also lodged Jokihat P.S. Case No. 115 of 2017 against the informant and others. Title Suit No. 14462 of 1964 at the instance of the father of the petitioner no. 2 is also pending against the informant's side. It is submitted that the allegation of assault causing injury to Raghu Choudhary is false and concocted.



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 provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Jokihat P.S. Case No. 363 of 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 of each of the petitioners shall be their close relatives other than the petitioners herein.

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

(iii) 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.

(iv) 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.

5. The provisional bail shall be confirmed upon verification that the injuries sustained by Raghu Choudhary are not grievous in nature. In case the same is found to be grievous, the provisional bail shall stand automatically cancelled.

(Vikash Jain, J)

Ibrar/BT

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