

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22870 of 2019**

Arising Out of PS. Case No.-90 Year-2018 Thana- KHODAWANDPUR
District- Begusarai

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1. Dharmendra Kumar @ Dharmendra Kumar Mahto, male, aged about 35 years, Son of Umeshwar Mahto Resident of Ward No. 4, Khodawandpur, P.S.- Khodawandpur, Distt - Begusarai.
 2. Umeshwar Mahto, male, aged about 54 years, Son of Late Ram Sahay Mahto Resident of Ward No. 4, Khodawandpur, P.S.- Khodawandpur, Distt - Begusarai.
 3. Suman Kumar, male, aged about 20 years, Son of Umeshwar Mahto Resident of Ward No. 4, Khodawandpur, P.S.- Khodawandpur, Distt - Begusarai.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Uma Shankar
Mr. Prem Kumar, Advocates.
For the Opposite Party: Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 11-04-2019 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, 354(B), 379, 504, 506/34 of the Indian Penal Code registered in connection with Khodawandpur P.S. Case No. 90 of 2018.

3. It is submitted that the petitioners have been falsely implicated in retaliation of the F.I.R. instituted at the instance of the petitioner no. 1's wife who is the Ward Councillor, against the present informant's husband Rajnish Prasad and others. After investigation police has submitted charge sheet only under Section 504 of the Indian Penal Code but differing from the same



cognizance has been taken also under non-bailable sections. The petitioner claims clean antecedents.

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 bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Manjhaul, Begusarai in connection with Khodawandpur P.S. Case No. 90 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.

(Vikash Jain, J)

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