

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23967 of 2019

Arising Out of PS. Case No.-220 Year-2018 Thana- MAJHAULIA District- West Champaran

1. Afsar Alam, aged about 25 years, Gender (Male), Son of Farman Miyan Resident of Village - Bathana, P.S.- Majhauria, District - West Champaran.
2. Buchchi Sharma, aged about 20 years, Gender (Male), Son of Bhuteli Sharma Resident of Village Bathana, P.S. Majhauria, District West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Sanjeev Kumar Shrivastava, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 17-04-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 380/34 of the Indian Penal Code registered in connection with Manjhaulia P.S. Case No. 220 of 2018.

3. It is submitted that the petitioners have been falsely implicated on mere suspicion and there is delay of 43 days in instituting the first information report on 08.06.2018 for the alleged occurrence of 26.04.2018. The petitioners have been implicated in the backdrop of previous enmity between the parties. No recovery of any incriminating articles has been made from the possession of the petitioners, who claim 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 bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the



satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Manjhaulia P.S. Case No. 220 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.

(Vikash Jain, J)

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