

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23976 of 2019

Arising Out of PS. Case No.-345 Year-2018 Thana- BIBHUTIPUR District- Samastipur

1. Sahdev Ray (Age-50 Years, Gender-Male), Son of Baidhyanath Ray
 2. Sushil Ray (Age-24 Years, Gender-Male), Son of Sahdev Ray
 3. Sunil Ray (Age-26 Years, Gender-Male), Son of Sahdev Ray
- All are resident of Village-Chakhabib, Ward No. 13, P.S.- Bibhutipur,
District- Samastipur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Rabindra Kumar Priyadarshi, 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 302, 307, 323, 324, 341/34 of the Indian Penal Code registered in connection with Bibhutipur P.S. Case No. 345 of 2018.

3. It is submitted that the petitioners have been falsely implicated as there is inordinate delay in instituting the first information report on 16.12.2018 for the alleged occurrence of 19.11.2018. It is submitted that no FIR was instituted when the deceased is said to have been assaulted and injured rather the informant chose to give his fardbeyan only after the deceased died which clearly discloses afterthought. The deceased is alleged to have been assaulted by 9 accused persons with iron rod, lathi and Danda but the accusation of assault is not corroborated from the post mortem report which discloses only two ante mortem injuries on the



person of the deceased. The petitioners 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 them 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, Samastipur in connection with Bibhutipur P.S. Case No. 345 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.

BT/-

(Vikash Jain, J)

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