

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24014 of 2019

Arising Out of PS. Case No.-103 Year-2017 Thana- LAUKAHI District- Madhubani

1. Vijay Kumar Roy @ Vijay Shankar Roy, aged about 61 years, Gender-Male, Son of late Musafir Roy, Resident of Village - Chuni, P.S.- Choula, District Buxar.
2. Ram Narayan Thakur a ged about 58 years, Gender-Male, Son of Late Piknath Thakur Resident of Village - Sukhait, P.S.- Jhanjharpur, District-Madhubani.
3. Dineshwar Pandey, aged about 65 years, Gender-Male, Son of Late Anand Pandey Resident of Village - Pirhi, P.S.- Babubarhi, District - Madhubani.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Vijay Kumar, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 19-04-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 188, 420, 466, 468 and 471/34 of the Indian Penal Code registered in connection with Laukahi P.S. Case No. 103 of 2017.

3. It is submitted that the petitioners have been falsely implicated on mere suspicion except which there is no objective material to connect them with the alleged occurrence. An advertisement was duly published and the subject land was settled with one Santosh Kumar Mahto who was the highest bidder. In Cr.W.J.C. No. 1179 of 2017 filed by the said Santosh Kumar Mahto, this Court observed that “ no F.I.R. should have been lodged against the petitioner or for that matter anyone of the officials of the concerned Zila Parishad. The invocation of the provisions of Code of



Criminal Procedure is not a plaything and should not have been resorted to by the Circle Officer without any basis". The petitioners, who are employees of the Zila Parishad, Madhubani, 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 Sub-Divisional Judicial Magistrate, Jhanjharpur in connection with Laukahi P.S. Case No. 103 of 2017, 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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