

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27873 of 2019

Arising Out of PS. Case No.-155 Year-2018 Thana- HARSIDHI District- East Champaran

1. Tabrej Alam, aged about 25 years, Gender Male, S/o Amin Mian
 2. Shamsher Alam aged about 19 years, Gender Male S/o Amin Mian
 3. Amin Mian aged about 48 years, Gender Male S/o Bhali Mian @ Ish Md. Miyan
 4. Dilsher Mian @ Dilsher Alam aged about 21 years, Gender Male S/o Amin Mian
 5. Alisher Mian @ Alisher Alam aged about 23 years, Gender Male S/o Amin Mian
 6. Noor Jahan Khatoon @ Noor Jahan aged about 46 years, Gender Female Wife of Amin Mian
- All are resident of Village- Harsidhi, Babu Tola, P.S.- Harsidhi, District- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Ajay Kumar Singh, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 29-04-2019 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, 354-B and 379/34 of the Indian Penal Code registered in connection with Trial No. 1948 of 2018 arising out of Harsidhi P.S. Case No. 155 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. Both sides have sustained injuries. The accusations of having committed assault upon the informant and his two sons are against the petitioners nos. 1, 2 and 6. There is nothing on record to show that the injuries sustained by the informant's side from the assault of petitioner nos. 1, 2 and 6 are grievous in nature and the accusations against the petitioner nos. 3, 4 and 5 under sections 354B and 379 of the IPC are mere embellishment. 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 the above named petitioners be released on provisional anticipatory 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, Motihari in connection with Trial No. 1948 of 2018 arising out of Harsidhi P.S. Case No. 155 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 petitioner nos. 1 to 5 shall remain physically present in court on each and every date during trial and petitioner no. 6 shall be well represented in court on each and every date during trial except as and when directed by the learned court to be physically present 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.

5. The provisional bail granted to the petitioners shall be confirmed upon verification by the learned court below that none of the injuries sustained by the informant's side is grievous in nature, failing which their bail bonds shall stand automatically cancelled.

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(Vikash Jain, J)

