

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27169 of 2019

Arising Out of PS. Case No.-200 Year-2018 Thana- SAHARGHAT District- Madhubani

1. Madan Mohan Mishra, aged about 62 years Gender-Male, Son of Late Harihar Narayan Mishra,
2. Mukesh Kumar Jha, aged about 40 years Gender-Male, Son of Late Gunanand Jha
3. Mahanth Siddharth Mohan Das @ Sidharth Mohan Das aged about 29 years Gender-Male, Son of Madan Mohan Mishra,
4. Pankaj Kumar Mishra, aged about 41 years Gender-Male, Son of Baidhnath Mishra.
5. Sri Mohan Mishra, aged about 45 years Gender-Male, Son of Late Harihar Narayan Mishra, All are resident of Village- Awari, P.S.- Shaharghat, District- Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 25-04-2019 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, 447, 354, 385, 379, 307 and 504/34 of the Indian Penal Code registered in connection with Saharghat P.S. Case No. 200 of 2018.

3. It is submitted that the petitioners has been falsely implicated and there is case and counter case between the parties. It is pointed out that a third FIR in Saharghat P.S. Case No. 196 of 2018 was also instituted on the date of occurrence itself, namely, 15.12.2018 on the basis of the written report of the police officer (Annexure-3) which would make evident that the informant's sides



were aggressors who had come to *Darwaja* of the petitioners in drunken state and started quarreling. In any event injuries are simple in nature. The accusations under Sections 354, 385 and 379 of the IPC are mere embellishment.

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, Benipatti, Madhubani in connection with Saharghat P.S. Case No. 200 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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