

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28689 of 2019

Arising Out of PS. Case No.-479 Year-2018 Thana- DHAKA District- East Champaran

1. Shiv Pujan Rai, Aged about 32 years (Male) S/o Vindeshwar Ray @ Bindeshwari Rai
2. Prem Rai, aged about 38 years, (Male) S/o Vindeshwar Ray @ Bindeshwari RAi Both are residents of village- Basahiya, P.S.- Dhaka (Pachpakakri), District- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Shiva Shankar Sharma, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 01-05-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 149, 341, 447, 323, 324, 325, 307, 379, 504 and 506 of the Indian Penal Code registered in connection with Dhaka (Pachpakakri) P.S. Case No. 479 of 2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute between the parties and the FIR is against as many as 13 named accused persons. There is case and counter case between the parties. The accusations are general and omnibus in nature without any specific accusation attributed to the petitioners individually. The injuries are simple in nature. 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 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, Sikrahna at Dhaka in connection with Dhaka (Pachpakakri) P.S. Case No. 479 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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