

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27453 of 2019**

Arising Out of PS. Case No.-138 Year-2018 Thana- GAUNAHA District-
West Champaran

- =====
1. MAMTA KUMARI, aged about 20 years, female, D/o - Suresh Mahto Resident of Village - Murli Bharharwa, P.S.- Gaunaha, District- West Champaran, Bettiah
 2. Sushma Kumari aged about 20 years, female, D/O - Umesh Kumar Mahto @ Umesh Mahto Resident of Village - Murli Bharharwa, P.S.- Gaunaha, District- West Champaran, Bettiah
 3. Umesh Kumar Mahto @ Umesh Mahto, aged about 49 years, male, Son of Late Bharos Mahto @ Rambharosh Mahto Resident of Village - Murli Bharharwa, P.S.- Gaunaha, District- West Champaran, Bettiah
 4. Lalsa Devi, aged about 41 years, female, Wife of Umesh Kumar Mahto @ Umesh Mahto Resident of Village - Murli Bharharwa, P.S.- Gaunaha, District- West Champaran, Bettiah
 5. Kapil Yadav, aged about 57 years, Son of Rimal Yadav Resident of Village - Murli Bharharwa, P.S.- Gaunaha, District- West Champaran, Bettiah
 6. Indrajeet Yadav, aged about 51 years, male, Son of Sukhal Yadav Resident of Village - Murli Bharharwa, P.S.- Gaunaha, District- West Champaran, Bettiah
 7. Chhotelal Mahto, aged about 32 years, male, Son of Dinanath Mahto Resident of Village - Murli Bharharwa, P.S.- Gaunaha, District- West Champaran, Bettiah
 8. Surendra Tiwari, aged about 60 years, male, Son of Chinta Tiwari Resident of Village - Murli Bharharwa, P.S.- Gaunaha, District- West Champaran, Bettiah

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Jitendra Narain Sinha, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 26-04-2019

Heard learned counsel for the petitioners and learned

APP for the State.



2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 341, 323, 153A, 295A, 224, 332, 333, 353, 504 of the Indian Penal Code registered in connection with Gaunaha P.S. Case No. 138 of 2018.

3. It is submitted that the petitioners have been falsely implicated and the F.I.R. is against as many as 12 named and 8-10 unknown persons. It is submitted that on the same day Gaunaha P.S. Case No. 137 of 2018 was instituted by the Choukidar for the same occurrence against seven persons including petitioner nos. 1, 2, 3 and 7. The accusations are general and omnibus in nature and no overt act has been alleged against the petitioners. The petitioners claim clean antecedents except Gaunaha P.S. Case No. 137 of 2018.

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 bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Narkatiyaganj, District- West Champaran in connection with Gaunaha P.S. Case No. 138 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors of each of the petitioners



shall be their close relatives other than the petitioners herein.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) 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.

(iv) That the petitioner nos. 1, 2 and 4 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 petitioner nos. 3, 5, 6, 7 and 8 shall remain physically present in Court on each and every date, 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.

(Vikash Jain, J)

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