

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29901 of 2019**

Arising Out of PS. Case No.-428 Year-2018 Thana- BAIRIYA District- West
Champaran

- =====
1. ANWARUL HAQUE Son of Late Yunus Mian @ Md. Yunus @ S.K. Yunus Resident of Village - Bagahi Tamolia Tola, P.S.- Bairiya, Dist.- West Champaran.
 2. Mahmood Mian Son of Late Yunus Mian @ Md. Yunus @ S.K. Yunus Resident of Village - Bagahi Tamolia Tola, P.S.- Bairiya, Dist.- West Champaran.
 3. Shah Alam @ Shah Alam Mian Son of Late Phulgeni Mian. Resident of Village - Bagahi Tamolia Tola, P.S.- Bairiya, Dist.- West Champaran.
 4. Neyaz Mian Son of Manif Mian Resident of Village - Bagahi Tamolia Tola, P.S.- Bairiya, Dist.- West Champaran.
 5. Amzad Mian Son of Mahmood Mian Resident of Village - Bagahi Tamolia Tola, P.S.- Bairiya, Dist.- West Champaran.
 6. Taiyaba Khatoon Wife of Mahmood Mian Resident of Village - Bagahi Tamolia Tola, P.S.- Bairiya, Dist.- West Champaran.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 01-08-2019 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, 323, 324, 307, 384, 379, 504, 506 of the Indian Penal Code registered in connection with Bairiya P.S. Case No. 428 of 2018.

3. It is submitted that the petitioners have been falsely



implicated in connection with construction of shop and the land belonging to them and in respect of which a supplementary affidavit has been filed enclosing copy of the *khatian* being Khata No. 208 and its plot nos. 3 and 4. It is submitted that in any event the injuries are simple in nature. Statement is made at the Bar on instruction that injuries are simple in nature. The accusations of snatching golden top and mangalsutra are mere embellishment. It is further submitted that most of the cases in which the petitioner nos. 1, 2, 5 and 6 have been made accused lodged at the instance of the informant and in all the cases petitioners are on bail, while petitioner nos. 3 and 4 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 bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 428 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 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 petitioner nos. 1, 2, 3, 4 and 5 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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