

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29274 of 2019

Arising Out of PS. Case No.-23 Year-2018 Thana- ARARIA District- Araria

1. MD. ARIF @ MASTER ARIF Son of Late Abdul Sakoor Resident of Village-Majgama Belwa, P.S.-Araria, District-Araria.
2. Md. Aftab Alam @ Md. Aftab Son of Abdul Wahid Resident of Village-Majgama Belwa, P.S.-Araria, District-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar
For the Opposite Party/s : Mr. Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 25-07-2019 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, 379, 427, 385, 504, 506 & 34 IPC registered in connection with Araria P.S. Case No. 23 of 2018 (G.R. No. 137/2018).

3. It is submitted that the petitioner has been falsely implicated in the backdrop of land dispute and in respect of which a proceeding under Section 145 Cr. P.C. was ongoing. Jamabandi stands in the name of the wife of the petitioner no. 1. The informant's side said to have forcible possession of the land in question pursuant to which there was a dispute in which false allegation has been made against the petitioners, who claim clean antecedents.

4. Learned APP appears and opposes the petition submitting on the basis of case diary that the accusation against the petitioners is serious in nature.

5. 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 ACJM 6th, Araria in connection with Araria P.S. Case No. 23 of 2018 (G.R. No. 137/2018), 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 shall be a close relative of the petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate 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. 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.

(Vikash Jain, J)

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