

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70477 of 2018

Arising Out of PS. Case No.-329 Year-2012 Thana- MADHUBANI TOWN
District- Madhubani

- =====
1. Chandeshwar Jha Son of Late Harish Chandr Jha
 2. Rajiv Kumar Jha Son of Sri Chandeshwar Jha Both Resident of Village-Arer
Dih Tola,P.S. Arer,Distt.-Madhubani

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Shashank Shekhar
Mr. Ajay Kumar Thakur
Ms. Babita Kumari, Advocates.
For the Opposite Party : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 16-01-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 188, 147, 148, 149, 323, 324, 224, 225, 448, 337, 338, 435, 436, 332, 333, 353, 120(B), 427, 307, 504 of the Indian Penal Code, Section 27 of the Arms Act and Section 3/4 of the Explosive Substance Act registered in connection with Madhubani Town P.S. Case No. 329 of 2012.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the grand-father and father respectively of Prashant who is said to have been murdered and for which protest was made at their instigation. The petitioners are not named in the F.I.R. and they have sought to be implicated after an inordinate delay of almost five years. The petitioners have been made accused in other similar connected cases and have been granted anticipatory bail in one



such case arising out of Madhubani P.S. Case No. 338 of 2012.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, 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, Madhubunai in connection with Madhubani Town P.S. Case No. 329 of 2012, 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) The petitioner 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) The petitioner 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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