

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79718 of 2018

Arising Out of PS. Case No.-54 Year-2018 Thana- JOGAPATTI District-
West Champaran

- =====
1. Gobardhan Mukhiya @ Gopchan Mukhiya @ Gopichand Mukhiya Son of Shiv Tahal Mukhiya
 2. Dasai Mukhiya Son of Late Dubari Mukhiya
 3. Ramchandra Mahto Son of Bangali Mahto
 4. Fulena Mahto Son of Thag Mahto
 5. Bishambhar Mukhiya Son of Late Lakhan Mukhiya
 6. Dhurendra Mahto Son of Bhagrasan Mahto
- All are Resident of Village - Bagahi, P.S.- Yogapatti, District - West Champaran

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Brij Kishor Mishra, Advocate.
For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

- 2 25-01-2019 Learned counsel for the petitioner states that the petitioner no. 6 has been arrested and as such the anticipatory bail petition of petitioner no. 6 has become infructuous and seeks permission to withdraw the same.
2. The anticipatory bail petition of petitioner no. 6 stands dismissed as withdrawn.
3. The petitioner nos. 1 to 5 apprehend their arrest for the offences alleged under Sections 420, 467, 468, 471, 394, 323, 504, 427 of the Indian Penal Code registered in connection with Yogapatti P.S. Case No. 54 of 2018.
4. It is submitted that the petitioner nos. 1 to 5 have been falsely implicated in the backdrop of a dispute which is clearly of civil nature with the accusations that the petitioners are variously purchasers or sellers of the land of the informant. The petitioners claim clean antecedents.



5. Be that as it may, having regard to the entirety of the facts and circumstances of the case, petitioner nos. 1 to 5 namely, Gobardhan Mukhiya @ Gopchan Mukhiya @ Gopichand Mukhiya, Dasai Mukhiya, Ramchandra Mahto, Fulena Mahto, Bishambhar Mukhiya, in the event of their arrest or surrender before the court below within six weeks from the date of communication of this order, let them 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 Yogapatti P.S. Case No. 54 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 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 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) 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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