

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31839 of 2019

Arising Out of PS. Case No.-129 Year-2018 Thana- DAWATH District- Rohtas

1. Mantu @ Mantu Pandey @ Mangalesh Dutt Pandey @ Mangalesh Pandey aged about 35 years/Male son of Late Gani Pandey
 2. Vimallesh Pandey @ Duga Pandey aged about 41 years/Male son of Late Mahangu Pandey
 3. Ankit Pandey aged about 26 years/Male son of Banarsi Pandey
 4. Basant Pandey aged about 32 years/Male son of Late Baijnath Pandey
 5. Sita Ram Bhar aged about 40 years/Male son of Late Gani Bhar
 6. Ghurahu Pandey @ Idan Pandey aged about 35 years/Male son of Raj Girahi Pandey
- All are residents of village- Deorhi, P.S.- Dewath, District- Rohtas

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Dineshwar Mishra, Advocate
For the State	:	Mr. J.K. Singh, APP
For the Informant	:	Mr. Kamendra Pd. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 17-05-2019 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, 341, 323, 504, 506 and 307 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Dawath P.S. Case No. 129 of 2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of and dispute. There is delay of 15 days in substituting the first information report on 20.09.2018 for the alleged occurrence of 05.09.2018. The accusation of assault against the petitioners is general and omnibus in nature. The wife of co-accused filed Sanha against the brother of the informant and in retaliation thereto, the present FIR has been instituted against the petitioners and others.

4. Learned APP assisted by learned counsel for the



informant appearing suo motu submits that the occurrence has nothing to do with the land dispute rather the occurrence has transpired in retaliation with the informant having deposed in a criminal case i.e. Sessions Trial No. 205 of 2018 against the petitioners. It is however not in dispute that no injury has been caused to anyone.

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 bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate at Bikramganj, Rohtas in connection with Dawath P.S. Case No. 129 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

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

(iii) That 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.

(iv) 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.

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(Vikash Jain, J)

