

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31499 of 2019

Arising Out of PS. Case No.-28 Year-2019 Thana- RUNISAIDPUR District- Sitamarhi

1. DEVENDRA PRASAD YADAV Son of Late Bhola Rai Resident of Village-Dhanushi, at present Saidpur Jhugi Jhopri, P.S.- Runnisaidpur, District-Sitamarhi.
2. Lal Babu Mahto Son of Yogendra Mahto Resident of Mohalla/Village-Saidpur Jhugi Jhopri, P.S.-Runnisaidpur, District-Sitamarhi.
3. Md. Akthar Son of Late Yusuf Laheri Resident of Mohalla/Village-Saidpur Jhugi Jhopri, P.S.-Runnisaidpur, District-Sitamarhi.
4. Md. Mustaque Son of Late Joolmi Miyan Resident of Mohalla/Village-Saidpur Jhugi Jhopri, P.S.-Runnisaidpur, District-Sitamarhi.
5. Upendra Paswan Son of Garbhu Paswan Resident of Mohalla/Village-Saidpur Jhugi Jhopri, P.S.-Runnisaidpur, District-Sitamarhi.
6. Vishwanath Thakur Son of Late Ram Sarwan Thakur Resident of Mohalla/Village-Saidpur Jhugi Jhopri, P.S.-Runnisaidpur, District-Sitamarhi.
7. Suresh Sahni Son of Gagan Dev Sahani Resident of Mohalla/Village-Saidpur Jhugi Jhopri, P.S.-Runnisaidpur, District-Sitamarhi.
8. Ram Krit Sahni Son of Ram Chandra Sahni Resident of Mohalla/Village-Saidpur Jhugi Jhopri, P.S.-Runnisaidpur, District-Sitamarhi.
9. Ramesh Sahni Son of Late Lathuni Sahani Resident of Mohalla/Village-Saidpur Jhugi Jhopri, P.S.-Runnisaidpur, District-Sitamarhi.
10. Faku Rai Son of Late Sampat Rai Resident of Village-Dhanuki at present mohalla/village-Saidpur Jhugi Jhopri, P.S.-Runnisaidpur, District-Sitamarhi.
11. Shankar Paswan Son of Late Yogendra Paswan Resident of Village-Dhanuki at present mohalla/village-Saidpur Jhugi Jhopri, P.S.-Runnisaidpur, District-Sitamarhi.
12. Ram Jeevan Mahto Son of Puran Mahto Resident of Village-Dhanuki at present mohalla/village-Saidpur Jhugi Jhopri, P.S.-Runnisaidpur, District-Sitamarhi.
13. Hari Mandal Son of Baidyanath Mandal Resident of Village-Dhanuki at present mohalla/village-Saidpur Jhugi Jhopri, P.S.-Runnisaidpur, District-Sitamarhi.
14. Abhishek Kumar Son of Surendra Prasad Yadav @ Devendra Prasad Yadav Resident of Village-Dhanuki at present mohalla/village-Saidpur Jhugi Jhopri, P.S.-Runnisaidpur, District-Sitamarhi.
15. Ram Sanyog Rai Son of Late Surendra Rai @ Challittar Ray Resident of Village-Dhanuki at present mohalla/village-Saidpur Jhugi Jhopri, P.S.-Runnisaidpur, District-Sitamarhi.
16. Madan Rai Son of Nageshwar Rai @ Naga Rai Resident of Village-Barharwa, P.S.-Bajpatti, District-Sitamarhi.
17. Suresh Baitha Son of Late Yogendra Baita Resident of Village-Barharwa, P.S.-Bajpatti, District-Sitamarhi.



18. Ram Sagar Son of Bhola Rai Resident of Village-Runni Saidpur (Dhanuki) at present mohalla/village-Saidpur Jhugi Jhopri, P.S.-Runnisaidpur, District-Sitamarhi.
19. Indal Rai Son of Bhola Rai Resident of Village-Runni Saidpur (Dhanuki) at present mohalla/village-Saidpur Jhugi Jhopri, P.S.-Runnisaidpur, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakti Suman Kumar
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 06-08-2019 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, 148, 149, 341, 323,307,379, 337, 427, 420, 120B, 353,504, 333 and 506 of the Indian Penal Code registered in connection with Runnisaidpur P.S. Case No. 28 of 2019.

3. It is submitted that the petitioners have been falsely implicated in retaliation to the FIR in Runnisaidpur P.S. Case No. 27/2019, lodged a day prior by the petitioner no. 1 against the informant-Block Development Officer and other accused persons alleging offences under Section 436, 307, 326, 420 and 120B of the Indian Penal Code. It is submitted that the petitioners are the beneficiaries of 'purcha' and were protesting the action of the informant. There is delay in institution of the FIR on 17.01.2019 for the alleged occurrence of 16.01.2019. The petitioners claim clean antecedents.

4. Learned APP has not pointed out any objective materials from the case diary against the petitioners. From perusal of paras 3 and 5 of the case diary it transpires that no sign of damage was found at the place of occurrence nor the informant suffered any significant injury as stated by him in his restatement.



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 CJM, Sitamarhi, in connection with Runnisaipur P.S. Case No. 28 of 2019, 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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