

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32166 of 2019

Arising Out of PS. Case No.-216 Year-2017 Thana- SANGRAMPUR District- East
Champaran

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1. Dharamveer Dubey @ Funnu Dubey @ Dharamveer Kumar Dwivedi , aged about 40 years, Gender-Male, Son of Lalbabu Dubey
 2. Manish Dubey @ Manish Kumar, aged about 30 years, Gender Male, Resident of Village- Bariyariya, P.S.- Sangrampur, District- East Champaran, Motihari.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Bishnu Kant Dubey. Advocate
For the Opposite Party : Mr. J.K. Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 17-05-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 323, 341, 324, 325, 308, 504 and 506/34 of the Indian Penal Code registered in connection with Tr. No. 2299 of 2018 arising out of Sangrampur P.S. Case No. 216 of 2017.

3. It is submitted that the petitioners have been falsely implicated and after due investigation, the police submitted charge sheet showing the petitioners not present at the place of occurrence and hence they were not sent up for trial. Moreover, charge sheet was submitted under Section 308 of the IPC and not under Section 307 of the IPC. The petitioners are agnates of the informant. One prior case has also been lodged by the informant in which they have been granted bail.

4. 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) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIV, Motihari in connection with Tr. No. 2299 of 2018 arising out of Sangrampur P.S. Case No. 216 of 2017, 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.

BT/-

(Vikash Jain, J)

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