

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32147 of 2019

Arising Out of PS. Case No.-333 Year-2018 Thana- MANJHAGARH District- Gopalganj

1. Umesh Singh(Male) aged about 40 years Son of Late Baban Singh
2. Pawan Singh (Male) aged about 20 years Son of Umesh Singh
Both are of resident of village- Ahirwaliya, Police Station- Manjhagarh,
District- Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Lokesh Kumar Singh, Advocate
For the Opposite Party : APP

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 341, 323, 354 and 504/34 of the Indian Penal Code registered in connection with Manjhagarh P.S. Case No. 333 of 2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute between the parties who are neighbours-cum-agnates. The petitioners are father and son respectively and the nature of the offence and the accusation as alleged against them are highly improbable. It is further submitted that in any event, the averments made in the FIR do not constitute the offence under Section 354 of the IPC attributed to the petitioners nor there is any injury report to support the accusation of assault by the petitioner no. 2. The petitioners claim clean antecedents.

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 bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Manjhagarh P.S. Case No. 333 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.

(Vikash Jain, J)

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