

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38015 of 2019

Arising Out of PS. Case No.-502 Year-2018 Thana- NAUTAN District- West Champaran

1. LALAN THAKUR S/o Singhasan Thakur Resident of Village- Gahiri Gamhariya, P.S.- Nautan, District- West Champaran.
2. Lalbabu Thakur S/o Singhasan Thakur Resident of Village- Gahiri Gamhariya, P.S.- Nautan, District- West Champaran.
3. Kishundeo Prasad S/o Baidyanath Prasad Resident of Village- Gahiri Gamhariya, P.S.- Nautan, District- West Champaran.
4. Samjid Mian @ Samjit Mian @ Sangit Mian S/o Late Jangi Mian Resident of Village- Jhakhara, P.S.- Jagdishpur, District- West Champaran.
5. Rangila Thakur S/o Singhasan Thakur Resident of Village- Gahiri Gamhariya, P.S.- Nautan, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 25-06-2019 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, 323, 324, 504, 307, 506 IPC and Section 27 of the Arms Act registered in connection with Nautan P.S. Case No. 502/2018.

3. It is submitted that the petitioners have been falsely implicated. There is considerable delay in institution of the FIR on 01.08.2018 for the alleged occurrence of 25.09.2018. The FIR has been instituted in retaliation to the petitioner's version in



Nautan P.S. Case No. 497/2018 instituted on the day of occurrence itself. The accusation of assault against the petitioners are general and omnibus in nature. Specific accusation of firing and assault with 'dabia' is on other co-accused persons. It is submitted that no serious injury has sustained on the informant's side.

4. Learned APP assisted by learned counsel for the informant appearing *suo motu* opposes the anticipatory bail petition.

5. Be that it may, in the event of petitioners arrest or surrender within four weeks hereof let the above named petitioners be released on provisional anticipatory 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, Bettiah, West Champaran in connection with Nautan P.S. Case No. 502/2018 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) 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.

6. The provisional bail granted to the petitioners shall be confirmed upon verification by the learned Court below that the injuries to the informant's side is not grievous in nature. In case the petitioners' claim fails upon verification, their bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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