

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38633 of 2019
Arising Out of PS. Case No.-18 Year-2019 Thana- HARSIDHI District- East
Champaran

- =====
1. JAMALUDDIN MIAN, aged about 22 years, male, Son of Abbas Mian Resident of village- Ghisadhar, Police Station- Harsidhi, District- East Champaran.
 2. Jainuddin Mian, aged about 28 years, Son of Late Ishak Mian Resident of village- Ghisadhar, Police Station- Harsidhi, District- East Champaran.
 3. Ruksana Khatoon, aged about 24 years, female, Wife of Jainuddin Mian Resident of village- Ghisadhar, Police Station- Harsidhi, District- East Champaran.
 4. Julekha Khatoon, aged about 70 years, female, Wife of Late Farzan Mian Resident of village- Ghisadhar, Police Station- Harsidhi, District- East Champaran.
 5. Ushman Mian, aged about 50 years, male, Son of Late Khalil Mian Resident of village- Ghisadhar, Police Station- Harsidhi, District- East Champaran.
 6. Shahabuddin Alam @ Shahabuddin Miya, aged about 25 years, male, Son of Ushman Mian Resident of village- Ghisadhar, Police Station- Harsidhi, District- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Dilip Kumar Tondon, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 01-07-2019

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, 308, 504/34 of the Indian Penal Code registered in connection with Harsidhi P.S. Case No. 18 of 2019.

3. It is submitted that the petitioners have been falsely implicated in retaliation to Complaint Case No. 195 of 2019 filed by the mother of the petitioner no. 1 against the informant. The accusation of assault is general and omnibus without any specific assault attributed individually. It is also submitted that there is no injury on record. The petitioners claim clean antecedent.

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) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Harsidhi P.S. Case No. 18 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 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.

(iv) That the petitioner nos. 3 and 4 shall be well represented in Court on each and every date during trial except as and when directed by the learned Court to be physically present and petitioner nos. 1, 2, 5 and 6 shall remain physically present in Court on each and every date, 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.

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(Vikash Jain, J)

