

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38358 of 2019

Arising Out of PS. Case No.-69 Year-2019 Thana- PHULWARIYA District- Gopalganj

1. GARIB NAWAZ S/o- Allaudin Miya @ Md. Allaudin R/O. Vill.- Sawanahi-Pati P.S.- Fulwariya Dist.- Gopalganj.
2. Khursheed Alam @ Khurshed Alam S/O- Allaudin Miya @ Md. Allaudin R/O. Vill.- Sawanahi-Pati P.S.- Fulwariya Dist.- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey
For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 05-07-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 447, 341, 323, 324, 307, 354(a), 353, 379, 504, 506/34 IPC registered in connection with Fulwariya P.S. Case No. 69 of 2019.

3. It is submitted that the petitioners have been falsely implicated and in any event no injury has been caused to anyone and the accusation under Section 307 IPC is not corroborated with the injury report. The offence under Section 353 IPC is not attracted in the case as the chaukidar was not acting in discharge of any official duty. The accusation under Section 379 IPC is mere embellishment. 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 bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM, Gopalganj, in connection with Fulwariya P.S. Case No. 69



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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