

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38630 of 2019

Arising Out of PS. Case No.-359 Year-2018 Thana- RAHUI District- Nalanda

1. Sudhir Jamadar aged about 47 years (Male) Son of Late Sri Jamadar
 2. Mukesh Jamadar, aged about 35 years (Male) Son of Ishwar Jamadar
 3. Mukesh Jamadar @ Mashesh Jamadar aged about 37 years (Male) Son of Saryug Jamadar
- All are resident of Village-Khaje Atwar Sarai, P.S.- Rahui (Bhagan Bigha)
District - Nalanda.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Dr. Ajeet Kumar, Advocate
For the Opposite Party : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 15-07-2019 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 341, 323, 379, 307, 504 and 506 of the Indian Penal Code registered in connection with Rahui (Bhaganbigha) P.S. Case No. 359 of 2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of dispute between the two groups. There is case and counter case between the parties. The specific accusation of firing on the brother of the informant is upon co-accused Vikash Jamadar and specific accusation of assault with *farsa* on his brother is upon co-accused Vijendra Jamadar. As a matter of fact, petitioner no. 3 is himself a victim of firing and has suffered bullet injuries. The firearm injuries sustained by the informant and his brother are not attributed to the petitioners, who are accused in one prior case of different nature in which they are on 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 bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Rahui (Bhaganbigha) P.S. Case No. 359 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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