

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37491 of 2019**

Arising Out of PS. Case No.-47 Year-2019 Thana- BHAGWANPUR District-
Kaimur (Bhabua)

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1. ARJUN SINGH, aged about 52 years, male, Son of Rajnath Singh Resident of Village- Belaon, P.S.- Bhagwanpur, District- Kaimur at Bhabua.
 2. Ramashray Singh, aged about 49 years, Son of Rajnath Singh Resident of Village- Belaon, P.S.- Bhagwanpur, District- Kaimur at Bhabua.
 3. Kamalesh Singh, aged about 22 years, male, Son of Arjun Singh Resident of Village- Belaon, P.S.- Bhagwanpur, District- Kaimur at Bhabua.
 4. Rajesh Kumar Singh, aged about 21 years, male, Son of Sheobhajan Singh Resident of Village- Belaon, P.S.- Bhagwanpur, District- Kaimur at Bhabua.
 5. Prakash Kumar, aged about 19 years, male, Son of Rambhajan Singh Resident of Village- Belaon, P.S.- Bhagwanpur, District- Kaimur at Bhabua.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Tribhuwan Narayan, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 04-07-2019

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, 379, 307, 147, 148, 149, 504 of the Indian Penal Code registered in connection with Bhagwanpur (Belaon) P.S. Case No. 47 of 2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute and there is case and counter case between the parties. As a matter of fact, the informant's side were found to be encroachers the land of the petitioner's side as evident from the order dated 29.09.2014 in Land Dispute Case No. 148 of 2013-14 (Annexure-3). All the injuries are simple save and except fracture on the thumb of right hand of Gautam Singh (non vital part of the body) which is not



specifically attributable to any of the petitioners as the accusations are general and omnibus. 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 Additional Chief Judicial Magistrate-V, Kaimur at Bhabhua in connection with Bhagwanpur (Belaon) P.S. Case No. 47 of 2019, G.R No. 653 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 of each of the petitioners shall be their close relatives other than the petitioners herein.

(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 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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