

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38058 of 2019

Arising Out of PS. Case No.-122 Year-2017 Thana- MANIGACHI District- Darbhanga

1. Abdul Barik @ Abdul Bari Salfi, aged about – 72 years (Male) Son of Late Abdul Hakum
2. Md. Rizwan @ Rizwan Ahmad, aged about–42 years (Male) S/o Abdul Bari Salfi R/o Village- Narayanpur, P.S.- Manigachi, District- Darbhanga.
3. Md. Faizan @ Faizan Ahmad , aged about – 38 years (Male), S/o Abdul Bari Salfi
All resident of Village- Narayanpur, P.S.- Manigachi, District- Darbhanga.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ravindra Kumar, Advocate
For the Opposite Party : APP

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 341, 323, 354B, 504 and 506/34 of the Indian Penal Code registered in connection with Manigachi P.S. Case No. 122 of 2017.

3. It is submitted that the petitioners have been falsely implicated as there is inordinate delay of more than five months in instituting the first information report on 08.06.2017 for the alleged occurrence of 20.01.2017. As a matter of fact, the petitioners' side had earlier filed FIR bearing Manigachi P.S. Case No. 26 of 2017. A proceeding under Section 144 of the Cr.P.C. was also going on between the parties in which by order dated 01.06.2017, S.D.O. Sadar, Darbhanga directed the parties to approach before the appropriate court for declaration of title. The present FIR has been instituted shortly thereafter. The accusation made against the



petitioners under Section 354B of the IPC is mere embellishment. The petitioners are accused in one prior case lodged by the same informant 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 Additional Chief Judicial Magistrate-VI, Darbhanga in connection with Manigachi P.S. Case No. 122 of 2017, 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 ptitioners 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)

BT/-

U		T	
---	--	---	--

