

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39611 of 2019**

Arising Out of PS. Case No.-70 Year-2019 Thana- BARHARA District-
Bhojpur

- =====
1. RAJENDRA SAH @ RAJENDRA PRASAD SAH, aged about 70 years, male, S/o Late Yogendra Sah @ Yogeshwar Sah Resident of Village- Baluwa, P.S.- Krishnagarh, District- Bhojpur.
 2. Anil Sah Son of Rajendra Sah Resident of Village- Baluwa, P.S.- Krishnagarh, District- Bhojpur.
 3. Munna Sah Son of Rajendra Sah Resident of Village- Baluwa, P.S.- Krishnagarh, District- Bhojpur.
 4. Tunna Sah Son of Rajendra Sah Resident of Village- Baluwa, P.S.- Krishnagarh, District- Bhojpur.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Sarveshwar Tiwary, Advocate.
For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 22-08-2019 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, 307, 379/34 of the Indian Penal Code registered in connection with Barahra (Krishnagarh) P.S. Case No. 70 of 2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of petty dispute over drainage as the parties are neighbours. There is case and counter case between the parties. There is inordinate delay in instituting the F.I.R. on 02.03.2019 for the alleged occurrence of 21.01.2019. The F.I.R. has been instituted against seven persons and the accusation of assault is general and omnibus against all persons without any



specific assault attributed individually, and only one injury has been sustained by the informant in respect of which opinion has been reserved.

4. Learned APP assisted by learned counsel for the informant appears and have been heard. Counsel for the informant submits that as many as four persons on the informant's side have sustained injuries in respect of which opinion has been reserved.

5. 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 provisional 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, Bhojpur, Ara in connection with Barahra (Krishnagarh) P.S. Case No. 70 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.

6. The provisional bail granted to the petitioners shall



be confirmed by the learned Court below upon verification within a further period of four weeks after furnishing bail bond, that no grievous injury has been caused to anyone of the informant's side. In case any grievous injury is found, their bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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