

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46181 of 2019**

Arising Out of PS. Case No.-652 Year-2018 Thana- ARARIA District- Araria
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1. MD. MANNAN Son of Md. Sabir Resident of Village-Jahangir Nagar, Ward No.18, P.S and District-Araria.
2. Dilshad Son of Md. Sabir Resident of Village-Jahangir Nagar, Ward No.18, P.S and District-Araria.
3. Samshad Son of Md. Sabir Resident of Village-Jahangir Nagar, Ward No.18, P.S and District-Araria.
4. Chhotu Son of Md. Sabir Resident of Village-Jahangir Nagar, Ward No.18, P.S and District-Araria.
5. Dulare @ Dalare Son of Md. Sayyat Resident of Village-Jahangir Nagar, Ward No.18, P.S and District-Araria.
6. Sitare Son of Md. Sayyat Resident of Village-Jahangir Nagar, Ward No.18, P.S and District-Araria.
7. Md. Pyare @ Prae Son of Md. Sayyat Resident of Village-Jahangir Nagar, Ward No.18, P.S and District-Araria.
8. Rabban Son of Sagir Resident of Village-Jahangir Nagar, Ward No.18, P.S and District-Araria.
9. Shamim Son of Late Bahab Resident of Village-Jahangir Nagar, Ward No.18, P.S and District-Araria.
10. Manjar Son of Late Bahab Resident of Village-Jahangir Nagar, Ward No.18, P.S and District-Araria.
11. Akbar Son of Late Daud Resident of Village-Jahangir Nagar, Ward No.18, P.S and District-Araria.

... .. Petitioners

Versus

The State of Bihar Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Gopal Kumar Jha, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 26-07-2019 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, 149, 323, 379, 504, 506 of the Indian Penal Code registered in connection with Araria P.S. Case No. 652 of 2018, G.R. No. 3089 of 2018.

3. It is submitted that the petitioners have been falsely implicated and the F.I.R. is against as many as 13 named persons and the accusations are general and omnibus in nature except co-accused Md. Sabir who is said to have assaulted the informant with sword. A counter case had been filed earlier in point of time by the said co-accused Md. Sabir. The accusation under Section 379 IPC is general and omnibus in nature and has been mentioned only to add gravity to the case. All other provisions including Section 323 IPC are bailable in nature. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioner's 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 Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 652 of 2018, G.R. No. 3089 of 2018, 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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