

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42200 of 2019**

Arising Out of PS. Case No.-55 Year-2019 Thana- SIRDALA District-
Nawada

- =====
1. ISHWARI DAYAL PRASAD @ ISHWARI PRASAD S/O Late Bisun Prasad Resident of Village- Oraina, P.S.- Meskaur (Sirdalla), District- Nawada.
 2. Saro Devi @ Saroj Devi W/O Ishwari Dayal Prasad @ Ishwari Prasad Resident of Village- Oraina, P.S.- Meskaur (Sirdalla), District- Nawada.
 3. Mukesh Kumar S/O Ishwari Dayal Prasad @ Ishwari Prasad Resident of Village- Oraina, P.S.- Meskaur (Sirdalla), District- Nawada.
 4. Rakesh Kumar S/O Ishwari Dayal Prasad @ Ishwari Prasad Resident of Village- Oraina, P.S.- Meskaur (Sirdalla), District- Nawada.
 5. Radha Kumari daughter of Ishwari Dayal Prasad @ Ishwari Prasad Resident of Village- Oraina, P.S.- Meskaur (Sirdalla), District- Nawada.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Kiran Sinha, Advocate.
For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 11-07-2019 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, 354, 307, 506/34 of the Indian Penal Code registered in connection with Sirdalla (Meskaur) P.S. Case No. 55 of 2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute and the parties are agnates. The accusations are general and omnibus in nature against the accused petitioners of having committed assault with dagger is not supported from the injury report which discloses injury caused by hard blunt substance and in any event the injuries are simple in nature. Petitioner nos. 3, 4 and 5 are having claim clean antecedents while petitioner nos. 1 and 2 have been acquitted in Sirdalla (Meskaur) P.S. Case No. 04 of 2009



lodged by the mother-in-law of the informant and petitioner nos. 1 and 2 are accused in one another case i.e Sirdalla (Meskaur) P.S. Case No. 82 of 2015 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 bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIth, Nawada in connection with Sirdalla (Meskaur) P.S. Case No. 55 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 petitioner no. 2 and 5 shall be well represented in Court on each and every date during trial except as and when directed by the learned Court to be physically present and petitioner nos. 1, 3 and 4 shall remain physically present in Court on each and every date, 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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