

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59785 of 2018

Arising Out of PS. Case No.-62 Year-2018 Thana- BHAGWANPUR District-
Begusarai

- =====
1. Pankaj Kumar Singh @ Pankaj Kumar S/O Late Kedar Nath Singh,
 2. Shravan Kumar Singh S/o Late Kedar Nath Singh,
 3. Nitish Kumar @ Bantu S/o Late Bibhuti Prasad Singh,
- All R/o Vill.- Bhagwanpur , P.S.- Bhagwanpur , District- Begusarai.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 25-01-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehends their arrest for the offences alleged under Sections 147, 148, 149, 427 of the Indian Penal Code and 33(a) Indian Forest Act registered in connection with Bhagwanpur P.S. Case No. 62 of 2018.

3. It is submitted that the petitioners have been falsely implicated in connection with cutting away several trees from the informant's land. It is submitted that the parties are all related to each other as the petitioner nos. 1 and 2 are nephews and petitioner no. 3 is a *gotiya* of the informant. It is submitted that the informant had sufficient remedy before the Civil Court which had issued injunction order in case of violation of its orders but instead the informant has directly filed F.I.R. merely to harass the petitioner. The petitioners assure to respect the injunction order pass by the Civil Court.

4. Learned APP assisted by learned counsel for the



informant appearing *suo motu* and have been heard.

5. Be that as it may, having regard to the entirety of the facts and circumstances of the case, 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 Chief Judicial Magistrate, Begusarai in connection with Bhagwanpur P.S. Case No. 62 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) 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) 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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