

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40933 of 2019**

Arising Out of PS. Case No.-98 Year-2018 Thana- HAYAGHAT District- Darbhanga

1. Shivji Rai, Male, aged about 32 years, Son of Sita Ram Yadav
2. Ram Bol Rai, Male, aged about 27 years, Son of Shatrudhan Rai Resident of Village - Sajopur, P.S.- Hayaghat, District - Darbhanga
3. Ramesh Rai, Male, aged about 26 years, Son of Bauelal Rai, all resident of Village - Sajopur, P.S.- Hayaghat, District - Darbhanga

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Raj Shekhar, Advocate  
For the Opposite Party : APP

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**  
**ORAL ORDER**

2      04-07-2019                      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, 341, 323, 379, 448, 504, 506 and 307 of the Indian Penal Code registered in connection with Hayaghat P.S. Case No. 98 of 2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of and dispute and they are agnates. The accusation of assault with *farsa* on the head of Ravi Shankar Kumar by the petitioner no. 1 is not supported by the injury report which discloses that the injury caused to him by hard and blunt substance is simple in nature. The injury attributed to petitioner no. 2 by lathi on the hand of the informant has been kept reserved for final opinion. The accusation of assault against the petitioner no. 3 is general and omnibus in nature. The petitioners claim clean antecedents.

4. Be that as it may, in the event of arrest or surrender of the petitioners before the court below within six weeks from the date



of communication of this order, let petitioner nos. 1 and 3 be released on bail and petitioner no. 2 on provisional 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-IV, Darbhanga in connection with Hayaghat P.S. Case No. 98 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure and with further conditions --

(i) That one of the bailors of each of petitioners 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 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.

5. The provisional bail granted to petitioner no. 2 shall be confirmed upon verification by the learned court below that the injuries sustained by the informant are not grievous in nature, failing which his bail bond shall stand automatically cancelled.

**(Vikash Jain, J)**

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