

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43300 of 2019

Arising Out of PS. Case No.-359 Year-2018 Thana- MAKHDUMPUR District- Jehanabad

1. Pawan Das, aged about 28 years (Male) Son of Karu Das
 2. Santosh Kumar @ Santosh Das, aged about 30 years Son of Late Jathu Mochi @ Late Jathu Das @ Late Nathun Das
 3. Dharmendra Kumar @ Dharmendra Das aged about 28 years Son of Late Jathu Mochi @ Late Jathu Das @ Late Nathun Das
- All 1 to 3 resident of Village-Saida, P.S.-Makhadumpur, District-Jehanabad.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Anil Chandra, Advocate
For the Opposite Party : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 15-07-2019 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, 325, 307 and 504 of the Indian Penal Code registered in connection with Makhadumpur P.S. Case No. 359 of 2018.

3. It is submitted that the petitioners have been falsely implicated and there is case and counter case between the parties. The accusations of assault against the petitioners are general and omnibus in nature. The injuries sustained by the six injured persons are simple in nature except injuries of injured Ramu Das, Anil Kumar and Satyendra Das in respect of which opinion has been reserved. The petitioners claim clean antecedents.

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 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 Sub-Divisional Judicial Magistrate, Jehanabad, District Jehanabad in connection with Makhadumpur P.S. Case No. 359 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

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

5. The provisional bail granted to the petitioners shall be confirmed upon verification by the learned court below, preferably within a period of four weeks after furnishing bail bonds, that the injuries sustained by injured persons are not grievous in nature, failing which their bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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