

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39958 of 2019**

Arising Out of PS. Case No.-258 Year-2018 Thana- DARIYAPUR District- Saran

1. Nitesh Kumar Rai @ Nitesh Rai, aged about 23 years, Male.
2. Biku Kumar Rai @ Bikku Kumar, aged about 25 years Male,  
Both sons of Bachchu Rai Resident of Dharmagat Ka Tola, P.S. - Dariyapur,  
District - Saran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioners : Mr.Harish Kumar, Advocate

For the Opposite Party : Mr.Mithlesh Kumar Khare, APP

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

3      22-08-2019                      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, 307, 504, 506 and 34 of the Indian Penal Code registered in connection with Dariyapur P.S. Case No. 258 of 2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of petty dispute between the parties. The accusations of assault are general and omnibus in nature without any specific accusation attributed to the petitioners individually. It is submitted that three persons, namely, Sona Devi, Bachhu Rai and Raja Kumar @ Raja Kumar Rai, out of five accused persons, have been granted anticipatory bail by a coordinate Bench of this Court vide order dated 22.01.2019 passed in Cr. Misc. No. 1417 of 2019 and the case of the petitioners was similarly situated. 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 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-4th, Chapra, Saran in connection with Dariyapur P.S. Case No. 258 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.

**(Vikash Jain, J)**

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