

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41996 of 2019**

Arising Out of PS. Case No.-110 Year-2019 Thana- MOUZAHDIPUR
District- Bhagalpur

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1. JHILAM KUMARI @ ANJU KUMARI @ JHILAN KUMARI @ JHILAM KUMAR, aged about 20 years, female, D/o Shankar Sah Resident of Mohalla-Gulabi Bag Aliganj, P.S.-Babarganj, District-Bhagalpur.
 2. Shankar Sah, aged about 64 years, male, Son of Late Jagarnath Sah Resident of Mohalla-Gulabi Bag Aliganj, P.S.-Babarganj, District-Bhagalpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 10-07-2019

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, 324, 307, 504 and 34 of the Indian Penal Code registered in connection with Mojahidpur (Babarganj) P.S. Case No. 110 of 2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of Title Partition Suit No. 129 of 1990 which was disposed of on the basis of compromise. The specific accusation of assault is against co-accused Abhimanyu Kumar and the accusations against the petitioners are general and omnibus in nature. The injury report was not available in the case diary as observed in the order of the learned 8th Additional District & Sessions Judge, Bhagalpur. 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 bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Mojahidpur (Babarganj) P.S. Case No. 110 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. 1 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 no. 2 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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