

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42038 of 2019

Arising Out of PS. Case No.-103 Year-2018 Thana- NIMCHAKBATHANI District- Gaya

1. Bholu Mian @ Khurshid, aged about 58 years, Male, S/o Late Sakur Mian R/o village-Simraur, P.S.-Neemchak Bathani, District-Gaya, presently residing at Pakki Talab, P.S.- Laheri, District- Nalanda
2. Aslam Mian , aged about 64 years, Male, S/o Late Sakur Mian R/o village-Simraur, P.S.-Neemchak Bathani, District-Gaya, presently residing at Kashi Takiya, P.S.- Laheri, District- Nalanda

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Rama Kant Sharma, Sr. Advocate
		Mr. Lakshmi Kant Sharma, Advocate
For the Opposite Party	:	APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 10-07-2019 Heard learned senior 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, 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Neemchak Bathani P.S. Case No. 103 of 2018.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the co-villagers with past dispute with the informant. The specific accusation of firing upon the informant's son is against other five accused persons. The allegation of firing is general and omnibus against the petitioners along with other co-accused persons, namely, Md. Abbas Mian @ Md. Abbas; Sammi Mian and Taslim Mian and the said three accused persons have been granted anticipatory bail by this Court in Cr. Misc. No. 76426 of 2018 and Cr. Misc. No. 14113 of 2019, respectively. 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-X, Gaya in connection with Neemchak Bathani P.S. Case No. 103 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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