

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42036 of 2019

Arising Out of PS. Case No.-103 Year-2019 Thana- MANJHAGARH District- Gopalganj

1. Bipin Tiwari @ Bipin Nath Tiwari, aged about 42 years (Male), Son of Shrikant Tiwari @ Shrikant Nath Tiwari
2. Shrikant Tiwari @ Shrikant Nath Tiwari aged about 68 years (Male), S/o Late Satdev Nath Tiwari
3. Rabddin @ Rabddin Mian aged about 48 years (Male), S/o Late Khalil Mian
All are resident of village-Bhojpurwa, P.S.- Manjhagarh, District- Gopalganj

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Thakur Brajesh Singh, Advocate
For the Opposite Party : Mrs. Rina Sinha, APP

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 506/34 of the Indian Penal Code registered in connection with Manjhagarh P.S. Case No. 103 of 2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of protest made by the informant against unloading liquor in his orchard by the petitioners. It is submitted that no case under the provisions of the Bihar Prohibition and Excise Act, 2016 has been instituted against the petitioners which belies the accusation in this regard. There is no accusation of assault against the petitioner no. 2. It is submitted that the accusation of assault has been alleged against the petitioner nos. 1 and 3 but the injuries are simple in nature. Petitioner nos. 1 and 2 claim clean antecedents whereas petitioner no. 3 is accused in one prior case of different nature in which he is on bail.

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 no. 2 be released on bail and petitioner nos. 1 and 3 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 Chief Judicial Magistrate, Gopalganj in connection with Manjhagarh P.S. Case No. 103 of 2019, 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 nos. 1 and 3 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 the informant are not grievous in nature, failing which their bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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