

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41984 of 2019**

Arising Out of PS. Case No.-143 Year-2019 Thana- JOKIHAT District-
Araria

- =====
1. BADRUDDIN @ GUDDU, aged about 37 years, male, Son of Nooruddin @ Md. Nooruddin Resident of Village - Kumhiya, P.S.- Jokihat, District- Araria
 2. Salahuddin @ Karu, aged about 35 years, male, Son of Nooruddin @ Md. Nooruddin Resident of Village - Kumhiya, P.S.- Jokihat, District- Araria
 3. Md. Murtuza @ Kaila @ Md. Murtaza, aged about 30 years, male, Son of Nooruddin @ Md. Nooruddin Resident of Village - Kumhiya, P.S.- Jokihat, District- Araria

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Mukesh Kumar Rana, Advocate.
For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

- 2 10-07-2019 Learned counsel for the petitioners states that the petitioner nos. 2 and 3 have been arrested and as such the anticipatory bail petition has become infructuous and seeks permission to withdraw the same.
2. Permission is accorded. The anticipatory bail petition of petitioner nos. 2 and 3 stands dismissed as withdrawn.
3. Heard learned counsel for the petitioner and learned APP for the State.
4. The petitioner no.1 apprehends his arrest for the offences alleged under Sections 147, 148, 149, 341, 342, 323, 354B, 379, 385, 447, 504 of the Indian Penal Code registered in connection with Jokihat P.S. Case No. 143 of 2019 corresponding to G.R. No. 1285 of 2019.
5. It is submitted that the petitioner has been falsely implicated in the backdrop of land dispute and in any event there is no specific accusation to attract the offence under Section 354(B) IPC as far as concerns the petitioner. The accusation



under Section 379 IPC is mere embellishment. There is delay in instituting the F.I.R. on 15.04.2019 for the alleged occurrence of 03.04.2019. The petitioner is accused in one prior case which had been lodged by the father of the present informant.

6. Be that as it may, in the event of the petitioner no. 1's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner no. 1 be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Jokihat P.S. Case No. 143 of 2019, corresponding to G.R. No. 1285 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 shall be a close relative of the petitioner no. 1.

(ii) That the petitioner no. 1 shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner no. 1 shall cooperate with the investigation, if not already concluded, and make himself 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 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, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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