

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42961 of 2019

Arising Out of PS. Case No.-350 Year-2018 Thana- DESARI District- Vaishali

1. Ram Janam Singh, aged about 50 years, male, S/o Rahunandan Singh
2. Saheb Kumar aged about 25 years, male,
3. Abhishek Kumar, aged about 23 years, male, Both sons of Ram Jatan Singh
4. Anita Devi W/o Ram Jatan Singh
All resident of Village- Sultanpur, P.S.- Desari, District - Vaishali.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 12-07-2019 At the very outset, learned counsel for the petitioners submits that the petitioner no. 2, namely, Saheb Kumar has already been arrested during the pendency of this application and as such his application has become infructuous.

2. As prayed, the anticipatory bail petition as against petitioner no.2, namely, Saheb Kumar is permitted to be withdrawn and is dismissed as such.

3. Heard learned counsel for petitioner nos. 1, 3 and 4; and learned APP for the State.

4. The petitioner nos. 1, 3 and 4 apprehend their arrest for the offences alleged under Sections 341, 323, 325 and 341 and Section 27 of the Arms Act of the Indian Penal Code registered in connection with Desari P.S. Case No. 350 of 2018.

5. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute and both the parties are *pattidars*. The accusation under the Arms Act is not applicable to the petitioners rather against other accused persons, namely, Raj Kumar Singh, Mukesh Kumar and Rakesh Kumar Singh, who have been



granted anticipatory bail by a coordinate Bench of this Court vide order dated 10.04.2019 passed in Cr. Misc. No. 22598 of 2019. The penal sections of the IPC are bailable. The petitioners claim clean antecedents.

6. Be that as it may, in the event of the arrest or surrender of petitioner nos. 1, 3 and 4 before the court below within six weeks from the date of communication of this order, let them 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 Sub Judge-III-cum-Additional Chief Judicial Magistrate-II, Vaishali at Hajipur in connection with Desari P.S. Case No. 350 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 petitioner nos. 1 and 3 shall remain physically present in court on each and every date during trial and petitioner no. 4 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 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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