

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63720 of 2018

Arising Out of PS. Case No.-294 Year-2017 Thana- KHIJARSARAI District-
Gaya

- =====
1. Chhotu @ Chhotu Das @ Vishwajeet Raj
 2. Monu @ Monu Das @ Swarn Raj @ Monu Kumar Both S/o Ganuari Das
Resident of Village- Nagriyawa, P.S.- Khijarsarai, District- Gaya.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Rina Sinha, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 21-02-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioner apprehend their arrest for the offences alleged under Sections 147, 148, 149, 323, 341, 325, 307 and 302 of the Indian Penal Code registered in connection with Khijarsarai P.S. Case No. 294 of 2017.

3. It is submitted that the petitioners have been falsely implicated and in any event the thrust of accusation of assault upon deceased Munarik Das is upon Ganauri Das and the accusation upon the petitioners is general and omnibus in nature. The petitioner claims clean antecedents.

4. Learned APP on the other hand opposes the anticipatory bail petition, submitting that the petitioners along with other accused persons have assaulted the other members of the informant's side and Chandarik Das has sustained grievous injury by way of fracture of the hand as evident from the supplementary injury report in the case diary.



5. Be that as it may and considering that no specific accusation of assault has been made individually against the petitioners, 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, Gaya in connection with Khijarsarai P.S. Case No. 294 of 2017, 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 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.

(Vikash Jain, J)

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