

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62648 of 2018

Arising Out of PS. Case No.-49 Year-2017 Thana- GOPALPUR District- Patna

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1. Mithilesh Rai Son of Late Ramdeo Rai,
 2. Maruti Rai @ Maruti Kumar, Son of Mithilesh Rai, Both are resident of Village- Sirpatpur, P.S.- Gopalpur, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar

For the Opposite Party/s : Mr.Abhay Kumar Roy

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 petitioners apprehend their arrest for the offences alleged under Sections 147, 448, 323, 324, 354(B), 436, 504 IPC registered in connection with Gopalpur P.S. Case No.49/2017.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute between the parties, who are related to each other. Title Suit No. 66/1991 and Title Suit No. 153/2013 are going on between the parties in the Civil Court, Patna.

4. Learned APP refers to para 7 of the case diary which does not disclose any material to support the allegation of burning of the informant's house.

5. 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 bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM, Patna., in connection with Gopalpur P.S.Case No.49/2017, 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 shall be a close relative of the petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate 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. 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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