

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70081 of 2018

Arising Out of PS. Case No.-209 Year-2018 Thana- JAGDISHPUR District- Bhojpur

1. Kameshwar Singh and Ors Son of Gahan Singh
2. Parmeshwar Singh, Son of Ramayan Singh
3. Puni Singh, Son of Ramayan Singh
4. Baban Singh, Son of Gahit Singh, all are Resident of Village-Narayanpur P.S. Jagdishpur District-Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 28-02-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest for the offences alleged under Sections 447, 341, 323, 324, 307 and 379/34 of the Indian Penal Code registered in connection with Jagdishpur P.S. Case No. 209 of 2018.

It is submitted that the petitioners have been falsely implicated in the backdrop of admitted land dispute and the parties are agnates. From the order of the learned Sessions Judge, there is nothing to indicate that the injuries are grievous in nature. The accusation of snatching gold chain from the neck of the informant is mere embellishment .



Learned A.P.P. assisted by learned counsel for the informant oppose the anticipatory bail petition, submitting that assault has been made by the petitioner Nos. 1 and 2, causing injury on the head of the informant.

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 provisional bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M. XI, Ara, in connection with Jagdishpur P.S. Case No. 209 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C and also subject to the following further condition:

(i) That one of the bailors shall be 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 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 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, his bail bond shall be liable to be cancelled.

The provisional bail of the petitioner Nos. 1 and 2 shall stand confirmed, if the injuries sustained by the informant on his head, are found simple in nature. Furthermore, the provisional bail of the petitioner Nos. 3 and 4 shall stand confirmed, if all the injuries sustained by the informant's uncle Moti Chand Singh are found simple in nature. If any injuries are found to be grievous in nature, the provisional bail of the petitioner Nos. 3 and 4 shall stand cancelled.

(Vikash Jain, J)

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