

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44770 of 2019**

Arising Out of PS. Case No.-360 Year-2018 Thana- MANIYARI District-
Muzaffarpur

- =====
1. KRISHNA KUMAR, aged about 21 years, male, Son of Brij Nandan Rai @ Braj Nandan Rai Resident of Village - Chhitrauli, P.S.- Maniyari, District- Muzaffarpur
 2. Manoj Rai @ Manoj Kumar @ Manoj Kumar Rai, aged about 30 years, male, Son of Brij Nandan Rai @ Braj Nandan Rai Resident of Village - Chhitrauli, P.S.- Maniyari, District- Muzaffarpur
 3. Brij Nandan Rai @ Braj Nandan Rai, aged about 58 years, male, Son of Late Ram Lagan Rai Resident of Village - Chhitrauli, P.S.- Maniyari, District- Muzaffarpur
 4. Shakuntala Devi, aged about 52 years, female, Wife of Brij Nandan Rai @ Braj Nandan Rai Resident of Village - Chhitrauli, P.S.- Maniyari, District- Muzaffarpur

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Bela Singh, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 22-07-2019

Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 307, 379, 354, 436, 504/34 of the Indian Penal Code registered in connection with Maniyari P.S. Case No. 360 of 2018, G.R. No. 4260 of 2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute as the parties are *Gotiya*. The accusations of assault are general and omnibus without any specific assault attributed individually. Injuries resulting from the assault against the petitioners are simple in nature. Petitioner nos. 2 and 3 are accused in one prior case lodged by the husband of the present informant while petitioner nos. 1 and 4 claim clean antecedents. The accusation of setting



the informant's house on fire by the petitioner no. 4 is motivated as she and the informant are sisters-in-law.

4. Learned APP appears and has been heard.

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 Sri Nayan Kumar, learned Judicial Magistrate 1st Class, Muzaffarpur in connection with Maniyari P.S. Case No. 360 of 2018, 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 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 below to be physically present and petitioner nos. 1, 2 and 3 shall remain physically present in Court on each and every date, 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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