

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46205 of 2019**

Arising Out of PS. Case No.-286 Year-2019 Thana- ALAMGANJ District-
Patna

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BINOD KUMAR @ BINOD MAHTO Son of Late Mithu Mahto A resident of
Mohalla- Sandalpur More, P.S.- Bahadurpur, District- Patna.

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Arvind Kumar Mouar, Advocate.

For the Opposite Party: Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 26-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 147, 148, 149, 323, 379, 386 & 506 of the
Indian Penal Code registered in connection with Alamganj P.S.
Case No. 286 of 2019.

3. It is submitted that the petitioner has been falsely
implicated in the backdrop of admitted land dispute between the
informant and the petitioner's wife who are the respective
purchasers of the lands. There is admitted land dispute between
them with regard to common passage. There is considerable
delay in institution of the F.I.R. on 18.04.2019 for the alleged
occurrence of 09.02.2019. The petitioner has been implicated
merely because he happens to be the husband of Rekha Devi who
has purchased the land. It is further submitted that even on
perusal of the F.I.R., the ingredients of Section 386 IPC are not
made out in absence of delivery of the money. The accusation
under Section 379 IPC is mere embellishment. The petitioner



claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate Ist, Patna City, Patna in connection with Alamganj P.S. Case No. 286 of 2019, 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 petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner 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 petitioner 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 by the learned Court concerned.

(Vikash Jain, J)

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