

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51022 of 2019

Arising Out of PS. Case No.-57 Year-2019 Thana- LADANIA District- Madhubani

1. Sita Ram Mahara aged about 40 years (Male) Son of Chaturi Mahara
2. Ramesh Mahara @ Ramesh Kumar Ram aged about 25 years (Male) Son of Sahdeo Mahra
3. Bhagwani Mahara aged about 45 years (Male) Son of Sukan Mahra
4. Ghurni Devi aged about 42 years (Female) Wife of Sahdeo Mahara
All resident of Village-Bhutha, P.S.-Ladaniya, District-Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ravi Ranjan, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 19-08-2019 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, 325, 379, 504, 506 and 34 of the Indian Penal Code registered in connection with Ladania P.S. Case No. 57 of 2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute for which a proceeding under Section 144 of the Cr.P.C. was initiated and the prosecution party was restrained to make any construction over the land in question. The accusation of assault by the petitioners is general and omnibus in nature and specific accusation is attributed to co-accused Umesh Mahara, who is said to have assaulted with *farsa* on the son of the informant and co-accused Mahesh Mahara, who is said to have assaulted the daughter of the informant with *lathi*. The aforesaid co-accused Mahesh Mahara has been granted anticipatory bail by a coordinate Bench of this Court vide order dated 09.08.2019 passed in Cr. Misc. No. 50118 of 2019. The petitioners claim clean



antecedents.

4. 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 bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate IV, Madhubani in connection with Ladania P.S. Case No. 57 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

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

(iii) That petitioner nos. 1, 2 and 3 shall remain physically present in court on each and every date during trial and 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 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.

(iv) 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.

(Vikash Jain, J)

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