

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51300 of 2019

Arising Out of PS. Case No.-134 Year-2019 Thana- ARA MUFFASIL District- Bhojpur

1. TARU MUSHAR @ TARU RAM Son of Late Girdhari Mushar Resident of Village-Bhadya, P.S.-Arrah Muffasil, District-Bhojpur.
2. Dinesh Mushar Son of Taru Mushar Resident of Village-Bhadya, P.S.-Arrah Muffasil, District-Bhojpur.
3. Sunil Mushar @ Sunit Mushar Son of Taru Mushar Resident of Village-Bhadya, P.S.-Arrah Muffasil, District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Ataul Haque
For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 20-08-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 337, 379, 427, 447, 448, 504 and 506 of the Indian Penal Code registered in connection with Arrah Muffasil P.S. Case No. 134 of 2019.

3. It is submitted that the petitioners have been falsely implicated at the instance of the Chaukidar and the FIR is against as many as 22 named and 10 unknown persons. Petitioner no. 1 is the elected representative of the Gram Panchayat of the village and the petitioner nos. 2 and 3 are his sons. No specific overt act has been alleged against the petitioners whatsoever. No recovery of any incriminating articles has been made from the conscious possession of the petitioners or from their house. Specific statement is made at the Bar that the petitioners claim clean antecedents and not accused in Arrah Muffasil P.S. Case No. 133 of 2019 contrary to the observation in the order of the learned Additional Sessions Judge.



4. Be that it may, in the event of petitioners arrest or surrender within four weeks hereof 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 CJM, Bhojpur at Ara in connection with Arrah Muffasil P.S. Case No. 134 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 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.

5. The provisional bail granted to the petitioners shall be confirmed by the learned Court below upon verification within a further period of four weeks after furnishing bail bond, that the petitioners are not accused in Arrah Muffasil P.S. Case No. 133 of 2019. In case it is found otherwise, their bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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