

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50480 of 2019

Arising Out of PS. Case No.-84 Year-2019 Thana- HATHAURI District- Muzaffarpur

1. MD. SALAM Son of Md. Mumtaj Resident of Village-Borbara, P.S.-Hathauri, District-Muzaffarpur.
2. Md. Keshar @ Md. Seraj Son of Md. Kalam Resident of Village-Borbara, P.S.-Hathauri, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Ms.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

29 14-08-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 392 of the Indian Penal Code registered in connection with Hathauri P.S. Case No. 84 of 2019, GR No. 2506 of 2019.

3. It is submitted that the petitioners have been falsely implicated merely on the confessional statement of arrested co-accused Md. Nanhey except which there is no objective material to connect the petitioner with the alleged occurrence. It is submitted that in any event the ingredients of Section 392 IPC are not made out in absence of any accusation that the accused persons put the informant in fear of death or caused wrongful restrain. 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 bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub Judge X-cum-ACJM X, Muzaffarpur in connection with Hathauri P.S.



Case No. 84 of 2019, GR No. 2506 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 co-operate 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. 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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