

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66300 of 2018

Arising Out of PS. Case No.-369 Year-2017 Thana- MAHESI District- East
Champaran

- =====
1. Md. Mokhtar @ Md. Moktar, Son of S.K. Mainul.
 2. Afsana Khatoon, Wife of Md. Mokhtar,
 3. Bhulan @ Md. Bhulan @ Sk. Mustafa, Son of SK. Mainul.
 4. Saimul Nisha @ Jairun @ Jairun Nesha, Wife of SK. Mainul.
- All are Resident of Village- Main Mehshi, Police Station- Mehshi, District- East Champaran.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Partys

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Appearance :

For the Petitioners : Mr. Madhurendra Kumar, Advocate.
For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 04-01-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 447, 341, 323, 354, 504, 506/34 of the Indian Penal Code registered in connection with Mehshi P.S. Case No. 369 of 2017 corresponding to G.R. No. 8015 of 2017.

3. It is submitted that the petitioners have been falsely implicated merely because petitioner no. 1 happens to be the husband of the ward member-petitioner no. 2. The informant has instituted the F.I.R. only to put pressure upon the petitioners for providing Indira Awas and the parties are neighbours. The accusations of theft raised against the petitioner nos. 2, 3 and 4 are merely ornamental in nature. The F.I.R. has been instituted after inordinate delay on 29.12.2017 for the alleged occurrences between 25.05.2017 and 07.12.2017. The petitioners claim clean antecedents.



4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, 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 learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Mehsi P.S. Case No. 369 of 2017 corresponding to G.R. No. 8015 of 2017, 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) The petitioner 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) 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, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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