

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50331 of 2019

Arising Out of PS. Case No.-513 Year-2018 Thana- SAHARSA District- Saharsa

1. Vikash Kumar, Male Aged about 20 years Son of Late Amod Sah
2. Shambhu Sharma Male Aged about 60 years Son of Late Tophi Sharma
3. Arjun Awasthi Male Aged about 32 years Son of Mohan Awasthi
Resident of Mohalla- Tiwari Tola, Saharsa, All P.S.- Saharsa, Dist- Saharsa.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Chandra Mohan Jha, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 13-08-2019 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, 341, 323, 384, 447, 504 and 506 of the Indian Penal Code registered in connection with Saharsa Sadar P.S. Case No. 513 of 2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute between the parties for which Title Suit No. 290 of 2009 is pending before the learned Court below. There is case and counter case between the parties. The accusations are general and omnibus in nature without any specific accusation of assault attributed to the petitioners. It is submitted that except the allegation of demand of extortion of Rs. 1,00,000/-, there is no material to prove the delivery of the aforesaid amount to the petitioners in order to attract the offence under Section 384 of the IPC and the remaining sections of the Penal Code are bailable. 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 Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 513 of 2018, 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 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.

(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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