

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50435 of 2019

Arising Out of PS. Case No.-58 Year-2019 Thana- BAIKUNTHPUR District- Gopalganj

1. SHAMBHU RAI Son of Late Bhola Rai Resident of Village-Banaura, P.S-Baikhunthpur, District-Gopalganj.
2. Mukesh Rai Son of Late Bhola Rai Resident of Village-Banaura, P.S-Baikhunthpur, District-Gopalganj.
3. Sakal Rai Son of Late Vilat Rai Resident of Village-Banaura, P.S-Baikhunthpur, District-Gopalganj.
4. Bishwanath Rai Son of Late Vilat Rai Resident of Village-Banaura, P.S-Baikhunthpur, District-Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Prasad Singh
For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 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 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code registered in connection with Baikunthpur P.S. Case No. 58/2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of quarrel between the children of the two sides during the festival of Holi. There is case and counter case between the parties. The injury reports as far discloses injuries of simple nature and there is no material to indicate otherwise as also noticed in the orders of the learned Sessions Judge. The accusation of theft is super addition. The petitioners claim clean antecedents.

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, Gopalganj in connection with Baikunthpur P.S. Case No. 58/2019, 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 no grievous injury has been caused to the informant's side. In case any grievous injury is found, their bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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