

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50942 of 2019

Arising Out of PS. Case No.-74 Year-2019 Thana- BELA District- Sitamarhi

1. Nathuni Rain (Male), aged about 63 years, Son of Yusuf Rain
 2. Mustakim Rain (Male), aged about 61 years, Son of Yusuf Rain
 3. Aaube Rain (Male), aged about 55 years, Son of Yusuf Rain
 4. Haleema Khatoon (Female), aged about 62 years, Wife of Illahi Rain
 5. Mulima Khatoon (Female), aged about 41 years, Wife of Raushan Rain
 6. Rashula Khatoon (female), aged about 60 years, Wife of Nathuni Rain
 7. Mostakima Khatoon (female), aged about 58 years, Wife of Mustakim Rain
 8. Ehshan Rain (Male), aged about 40 years, Son of Illahi Rain
- All resident of Village - Hanuman Nagar, P.S.- Bela, District- Sitamarhi

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 17-08-2019 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, 324, 354, 379, 504 and 506 of the Indian Penal Code registered in connection with Bela P.S. Case No. 74 of 2019.

3. It is submitted that the petitioners have been falsely implicated and the FIR is against as many as 16 named accused persons. There is case and counter case between the parties. The accusations of assault attributed to the petitioners are general and omnibus in nature whereas specific accusation of pulling the hairs of the informant Rubaida Khatoon is against co-accused persons, namely, Roushan Rain and Elahi Rain. There is no injury report on



record. 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, Sitamarhi in connection with Bela P.S. Case No. 74 of 2019, 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 petitioner nos. 1, 2, 3 and 8 shall remain physically present in court on each and every date during trial and petitioner nos. 4, 5, 6 and 7 shall be well represented in court on each and every date during trial except as and when directed by the learned court below to be physically present, 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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