

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53012 of 2019

Arising Out of PS. Case No.-146 Year-2019 Thana- PAHARPUR District- East Champaran

1. Yogendra Sah @ Yogindra Sah, aged about 40 years (M) Son of Mathura Sah
 2. Mukund Sah aged about 60 years (M) Son of Mathura Sah
 3. Lal Bahadur Sah aged about 40 years (M) Son of Laxmi Sah
 4. Devilal Sah aged about 30 years (M) Son of Paras Sah
 5. Hiranman Sah aged about 35 years (M) Son of Jhabbu Sah
 6. Basudeo Yadav aged about 40 years (M) Son of Jhadi Yadav
 7. Radha Sah aged about 35 years (F) Daughter of Mathura Sah
- All residents of Village - Satana Kutchahari Tola, P.S.- Paharpur, District- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Umesh Chandra Verma, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 26-08-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 183, 188, 186, 353, 504 and 506/34 of the Indian Penal Code registered in connection with Paharpur P.S. Case No. 146 of 2019.

3. It is submitted that the petitioners have been falsely implicated and from perusal of the FIR, ingredients of the offence under Section 353 of the IPC are not made out against the petitioners in absence of any allegation of assault or use of criminal force. The accusations are general and omnibus in nature and no specific overt act has been alleged against the petitioners, who 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, Motihari, East Champaran in connection with Paharpur P.S. Case No. 146 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 to 6 shall remain physically present in court on each and every date during trial and petitioner no. 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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