

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52557 of 2019

Arising Out of PS. Case No.-137 Year-2019 Thana- AURAI District- Muzaffarpur

1. ARUN SHAHI @ ARUN SAHI Son of Bhullu Sahahi Resident of Village-Raj Khand, P.S.-Aurai, District-Muzaffarpur.
2. Dilip Shahi @ Dilip Kumar Shahi Son of Arun Shahi @ Arun Sahi Resident of Village-Raj Khand, P.S.-Aurai, District-Muzaffarpur.
3. Chanda Devi Wife of Arun Shahi @ Arun Sahi Resident of Village-Raj Khand, P.S.-Aurai, District-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar
For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 22-08-2019

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, 379,34 of the Indian Penal Code registered in connection with Aurai P.S. Case No. 137/2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute and there is case and counter case between the parties in which the petitioner no. 1 himself has sustained injury. It is submitted that there is no material to indicate that any injury has been caused to the informant's side in order to corroborate the accusation of assault with farsa by the petitioner no. 1. The accusation of assault by the petitioner no. 2 is general and omnibus in nature. The accusation of snatching gold chain by petitioner no. 3 is mere embellishment. The petitioner claims clean antecedents.

4. Be that it may, in the event of petitioners' arrest or surrender within six weeks hereof let the above named petitioner no.1 be released on provisional bail and petitioner nos. 2 and 3 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 ACJM 13th, Muzaffarpur in connection with Aurai P.S. Case No. 137/2019, 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 petitioner nos. 1 and 2 shall remain physically present and petitioner no. 3 shall be well represented 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 petitioner no. 1 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 sustained by the informant or his son. In case any grievous injury is found, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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