

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54202 of 2019

Arising Out of PS. Case No.-62 Year-2019 Thana- DURAULI District- Siwan

1. Subodh Chauhan, aged about 23 years, Gender-Male,
2. Vivek Chauhan , aged about 20 years, Gender-Male,
Both are sons of Chote Lal Chauhan, Resident of Village-Dumahrar Bujurg, P.S.-
Darauli, District - Siwan.
3. Durgawati Devi, aged about 50 years, Gender-Female, wife of Chote Lal Chauhan,
Resident of Village-Dumahrar Bujurg, P.S.-Darauli, District Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 28-08-2019 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, 506 and 427/34 of the Indian Penal Code registered in connection with Darauli P.S. Case No. 62 of 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 in which both sides have sustained injuries. It is submitted that Jyotish Ray, Vidyadhar Ray and Ramtirath Ray on the informant's side have been assaulted by the present petitioners with sharp cutting weapon but such accusation is not supported by the injury report of Vidyadhar Ray which discloses simple injury caused by hard and blunt substance. Specific statement is made in paragraph 6 of the petition that there is no injury report available on record with regard to Jyotish Ray and Ramtirath Ray. It is further stated that the informant's side has been allowed bail in the counter case. 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 four weeks from the date of communication of this order, let the above named petitioners be released on provisional 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, Siwan in connection with Darauli P.S. Case No. 62 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure 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 and 2 shall remain physically present in court on each and every date during trial and petitioner no. 3 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.

5. The provisional bail granted to the petitioners shall be confirmed upon verification by the learned court below within a period of four weeks after furnishing bail bonds, that the aforesaid injured persons, namely, Jyotish Ray, Vidyadhar Ray and Ramtirath Ray have not sustained grievous injuries. If found otherwise, their bail bonds shall stand automatically cancelled.

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(Vikash Jain, J)

