

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60279 of 2019

Arising Out of PS. Case No.-171 Year-2019 Thana- MOHANIYA District- Kaimur (Bhabua)

1. JITENDRA SINGH Son of Kanhaiya Singh Resident of Village-Narara, P.S.-Mohania, District-Kaimur (Bhabua).
2. Upendra Singh Son of Kanhaiya Singh Resident of Village-Narara, P.S.-Mohania, District-Kaimur (Bhabua).
3. Nandlal Singh Son of Late Thakur Dawar Singh Resident of Village-Narara, P.S.-Mohania, District-Kaimur (Bhabua).
4. Sanjay Singh Son of Ram Bachan Singh Resident of Village-Narara, P.S.-Mohania, District-Kaimur (Bhabua).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav
For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 25-09-2019 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, 379, 504, 506, 354/34 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Mohania P.S. Case No. 171/2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of admitted land dispute in respect of which a proceeding under Section 144 Cr.P.C. was also initiated. There is case and counter case between the parties. It is further submitted that the ingredients of the offence under Section 354 of the Indian Penal Code is not made out as there is nothing to indicate that the petitioner no. 1 allegedly pulled the hair of the informant with an intention to outrage her modesty. The accusation of assault by the petitioner no. 1 is not corroborated with any medical injury report. 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 bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Kaimur at Bhabua, in connection with Mohania P.S. Case No. 171/2019, 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.

(Vikash Jain, J)

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