

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79687 of 2018

Arising Out of PS. Case No.-721 Year-2018 Thana- BHABHUA District- Bhabhua (Kaimur)

1. Garibullah Khan @ Mannu Khan @ Munnu Khan S/o Late Rafiullah Khan
2. Md. Ayish Khan S/o Garibullah Khan @ Mannu Khan @ Munnu Khan both resident of village Kunj, P.S-Bhabua, District -Kaimur at Bhabua

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party : Mr. Jitendra Kr. Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 25-01-2019 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, 324 and 307 of the Indian Penal Code registered in connection with Bhabua P.S. Case No. 721 of 2018.

3. It is submitted that the petitioners have been falsely implicated and apart from the accusation being the order giver, there is no specific accusation of assault on the informant. The specific accusation of assault with knife on the abdomen of the informant is upon co-accused Md. Sahil. The petitioner no. 2 claims clean antecedents. The petitioner no. 1 was an accused in one other case of different nature in which he has been acquitted.

4. Learned APP assisted by learned counsel for the informant appearing suo motu has been heard.

5. 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, Kaimur at Bhabua in connection with Bhabua P.S. Case No. 721 of 2018, subject to the conditions as laid down under Section 438 (2) 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 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.

(iv) That the petitioners shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

BT/Chandran

(Vikash Jain, J)

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