

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58321 of 2019

Arising Out of PS. Case No.-88 Year-2019 Thana- GANGABRIDGE District- Vaishali

1. MANTU KUMAR Son of Anandi Choudhary Resident of Village- Sahdullahpur, P.S.- Ganga Bridge, District- Vaishali.
2. Avinash Kumar Son of Anandi Choudhary Resident of Village- Sahdullahpur, P.S.- Ganga Bridge, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 16-09-2019 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, 324, 307, 354, 379, 447, 504, 506/34 of the Indian Penal Code registered in connection with Ganga Bridge P.S. Case No. 88 of 2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of quarrel between the children and there is case and counter case between the parties. The accusations are general and omnibus in nature without any specific overt act attributed individually. There is no injury report on record to corroborate the accusation of assault. The petitioners claim clean antecedents.

4. Learned APP opposes the petition, submitting that the thrust of accusation of assault on the informant with iron rod is attributed to the petitioners along with co-accused Babita Devi.

5. Be that it may, in the event of petitioners' arrest or



surrender within four weeks hereof let the above named petitioners be released on provisional 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, Vaishali at Hajipur in connection with Ganga Bridge P.S. Case No. 88 of 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.

6. The provisional bail granted to the petitioners 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 caused to the informant. In case grievous injury is found, their bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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