

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57897 of 2019**

Arising Out of PS. Case No.-457 Year-2019 Thana- KATIHAR District-
Katihar

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1. MANJOOR KHAN Son of Late Mansoor Khan Resident of Deharia, P.S.-
Katihar Town, District-Katihar.
 2. Arun Azad @ Arun Kumar Azad Son of Sri Ange Lal Prasad Resident of
Chitabari, P.S.-Katihar Mufassil, District-Katihar.
 3. Mallick Paswan @ Ganesh Paswan Son of Late Gorelal Paswan Resident
of Driver tola P.S.-Katihar Town, District-Katihar.
 4. Dipak Paswan @ Dipak Kumar Paswan Son of Sri Yogendra Paswan
Resident of New Colony, P.S.-Katihar Sahayak, District-Katihar.
 5. Rajan Yadav @ Rajan Kumar Yadav Son of Late Ganesh Yadav Resident of
Officers Colony, Munshi Yadav Colony, P.S.-Katihar Sahayak, District-
Katihar.
 6. Pappu Paswan @ Pappu Kumar Paswan Son of Late Nandlal Paswan
Resident of Sitalasthan, P.S.-Katihar Sahayak, District-Katihar.
 7. Suraj Prakash Roy Son of Sri Babu Lal Roy Resident of Rajhatha, P.S.-
Katihar Town, District-Katihar.
 8. Dipak Singh @ Dipak Kumar Singh Son of Sri Niklesh Singh Resident of
Langrabagan, P.S.-Katihar Sahayak, District-Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Shashank Shekhar
Mr. Ajay Kumar Thakur
Mr. Arya Achint, Advocates.
For the Opposite Party: Mr. Prem Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 13-09-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the
offences alleged under Sections 342, 323, 353, 386, 420, 467,
506/34 of the Indian Penal Code but later on Section 365 of the
Indian Penal Code was added registered in connection with



Katihar Town P.S. Case No. 457 of 2019.

3. It is submitted that the petitioners have been falsely implicated owing to political differences. The informant is the Municipal Commissioner who was required to take steps consequent upon a no confidence motion being passed against the Mayor but was himself sitting tight over the matter as noticed in the order dated 05.09.2019 passed in C.W.J.C. No. 16628 of 2019 (*Deepak Kumar Mandal Vs. The State of Bihar and Ors.*). The petitioner no. 1 is the Deputy Mayor who had chaired the meeting in which the no confidence motion was passed. Petitioner nos. 2, 4, 6, 7 and 8 are the ward members while petitioner nos. 3 and 5 are the husband of other ward members. Petitioner nos. 1, 4, 5, 7 and 8 are variously accused in a few cases while petitioner nos. 2, 3 and 6 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 Chief Judicial Magistrate, Katihar in connection with Katihar Town P.S. Case No. 457 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 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.



(iv) 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.

(Vikash Jain, J)

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