

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59794 of 2019**

Arising Out of PS. Case No.-93 Year-2019 Thana- BABUBARHI District-
Madhubani

- =====
1. MANOJ SAFI Son of Yogendra Safi Resident of Village- Murhadi, P.S. Babubarhi, District- Madhubani.
 2. Nitish Kumar Safi @ Neetish Kumar Safi Son of Baidnath Safi Resident of Village- Murhadi, P.S. Babubarhi, District- Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Gagan Deo Yadav, Advocate.

For the Opposite Party: Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 24-09-2019 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, 354(B), 307, 427, 379, 504/34 of the Indian Penal Code registered in connection with Babubarhi P.S. Case No. 93 of 2019.

3. It is submitted that the petitioners have been falsely implicated and there is case and counter case between the parties in which both sides have sustained injuries. The petitioners are said to have been armed with *tengari*, *farsa* and *iron rod* but no specific accusation of assault has been attributed to them. Other co-accused persons are said to have assaulted the



informant's husband and son and misbehaved with the informant. The injuries are simple in nature except one injury no. 3 of Shiv Kumar Yadav in respect of which opinion has been kept reserved. 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 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 Additional Chief Judicial Magistrate-III, Madhubani in connection with Babubarhi P.S. Case No. 93 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 bond shall be liable to be cancelled by the learned Court concerned.

5. 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 bonds, that no grievous injury has been caused to the informant's husband and son. In case grievous injury is found, their bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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