

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59114 of 2019**

Arising Out of PS. Case No.-107 Year-2017 Thana- GAUNAHA District-
West Champaran

- =====
1. SAHEB CHAUDHARY Son of Late Laxman Chaudhary Resident of Village - Amolwa, P.S.- Gaunaha, Distt - West Champaran.
 2. Babita Devi Wife of Sri Saheb Chaudhary Resident of Village - Amolwa, P.S.- Gaunaha, Distt - West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Umesh Chandra Verma, Advocate.
For the Opposite Party: Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 18-09-2019 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, 308, 354, 504/34 of the Indian Penal Code registered in connection with Gaunaha P.S. Case No. 107 of 2017.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute and the parties are agnates. The petitioners are husband and wife who are said to have assaulted the informant with *farsa and rod* respectively but in any event the injuries are simple in nature. The accusation under Section 354 IPC against the petitioner no. 1 in presence of



his wife petitioner no. 2 are highly improbable in nature. 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 Sub-Divisional Judicial Magistrate, Bettiah, West Champaran in connection with Gaunaha P.S. Case No. 107 of 2017, 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 of each of the petitioners shall be their close relatives other than the petitioners herein.

(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 petitioner no. 2 shall be well represented in Court on each and every date during trial except as and when directed by the learned Court below to be physically present and petitioner no. 1 shall remain physically present in Court on each



and every date, 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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