

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59165 of 2019

Arising Out of PS. Case No.-100 Year-2019 Thana- BAIRIYA District- West Champaran

1. MUKESH RAO Son of Rabindra Rao Resident of Village- Laukariya, P.S.- Bairiya, District- West Champaran.
2. Chandan Rao Son of Rabindra Rao Resident of Village- Laukariya, P.S.- Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 19-09-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 447, 448, 341, 323, 376, 511, 504, 506/34 of the Indian Penal Code registered in connection with Bairiya P.S. Case No. 100 of 2019.

3. It is submitted that the petitioners who are full brothers have been falsely implicated owing to village politics and the accusation of attempt to commit rape on informant's daughter is on co-accused Ajay Rao and not against these petitioners who are said to have come subsequently and thrashed the informant and her family members. It is submitted that there is no injury report to corroborate the accusation of assault. 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 CJM, Bettiah, West Champaran, in connection with airiya P.S. Case No. 100 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.

(Vikash Jain, J)

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