

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59839 of 2019

Arising Out of PS. Case No.-49 Year-2019 Thana- JALALGARH District- Purnia

1. JAILAN @ JAINUL Son of Rajabul Resident of Village - Jangla Kol, P.S.- K.Nagar (Sri Nagar)O.P., Dist.- Purnea.
2. Mubarak Son of Rajabul @ Rizab Ali Resident of Village - Jangla Kol, P.S.- K.Nagar (Sri Nagar)O.P., Dist.- Purnea.
3. Masaud @ Masood Son of Aamad @ Aamad Ali Resident of Village - Jangla Kol, P.S.- K.Nagar (Sri Nagar)O.P., Dist.- Purnea.
4. Samsul Haque Son of Danish Resident of Village - Jangla Kol, P.S.- K.Nagar (Sri Nagar)O.P., Dist.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Murli Dhar

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 147, 148, 149, 341, 323, 324, 325, 307, 379, 427, 506 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Jalalgarh P.S. Case No. 49 of 2019.

3. It is submitted that the petitioners have been falsely implicated in retaliation to the FIR in Jalalgarh P.S. Case No. 46/2019 lodged by Mofizul Haque, brother of accused no. 6. There is delay in institution of the FIR on 17.05.2019 for the alleged occurrence of 13.05.2019. The FIR has been instituted against as many as 41 named and 60-65 unknown persons. The petitioner nos. 1 to 3 are merely said to be the order givers. The petitioner no. 4 is said to have assaulted the informant with *farsa*, but there is no injury report to corroborate such accusation. Several other co-accused persons have been granted



anticipatory bail by this Court in Cr. Misc. No. 58162 of 2019.

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 bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Purnea, in connection with Jalalgarh P.S. Case No. 49 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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