

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62532 of 2019

Arising Out of PS. Case No.-73 Year-2019 Thana- HABIBPUR District- Bhagalpur

1. MD. NISAR Son of Late Anish Resident of Mohalla - Mohibalichak (Wrongly written as Chamelichak), P.S.- Habibpur, District- Bhagalpur
2. Md. Mahtab Son of Md. Nisar Resident of Mohalla - Mohibalichak (Wrongly written as Chamelichak), P.S.- Habibpur, District- Bhagalpur
3. Md. Mitthu Son of Md. Nisar Resident of Mohalla - Mohibalichak (Wrongly written as Chamelichak), P.S.- Habibpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Nurul Hoda
For the Opposite Party/s : Mr.Ramchandra Sahn

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 14-10-2019 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, 307, 379, 504 and 34 of the Indian Penal Code, registered in connection with Habibpur P.S.Case No. 73 of 2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of petty dispute over mango tree. The accusation of assault is not corroborated by any injury report. The FIR has been lodged in retaliation to Habibpur P.S.Case No. 77 of 2019 by the wife of petitioner no.1 against



the sons of the informant of the present case. The petitioners are accused in one prior case of different nature.

4. Be that as it may, in the event of petitioners' arrest or surrender before 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 the like amount each to the satisfaction of learned A.C.J.M.-XII, Bhagalpur in connection with Habibpur P.S.Case No. 73 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) 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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