

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60818 of 2019**

Arising Out of PS. Case No.-48 Year-2019 Thana- CHANDAN District-
Banka

- =====
1. DEBU DAS Son of Sahdev Das Resident of Village - Dhanauchhi, P.S.- Chandan (Anandpur), O.P. Distt - Banka.
 2. Suma Das Son of Late Rameshwar Das Resident of Village - Dhanauchhi, P.S.- Chandan (Anandpur), O.P. Distt - Banka.
 3. Mojiya Devi @ Maujiya Devi Wife of Suma das Resident of Village - Dhanauchhi, P.S.- Chandan (Anandpur), O.P. Distt - Banka.
 4. Shanti Devi Wife of Sahdev Das Resident of Village - Dhanauchhi, P.S.- Chandan (Anandpur), O.P. Distt - Banka.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Brij Nandad Prasad, Advocate.

For the Opposite Party: Mr. Arun Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 26-09-2019 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, 307, 506/34 of the Indian Penal Code registered in connection with Chandan (Anandpur O.P.) P.S. Case No. 48 of 2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute as the parties are agnates and there is case and counter case between the parties. It is submitted that the accusation of assault on the informant's wife with lathi on her back as well as throwing her grand daughter on the ground is general and omnibus against the petitioners along with other co-accused persons. Such



accusation is not corroborated by any injury report. 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 Chief Judicial Magistrate, Banka in connection with Chandan (Anandpur O.P.) P.S. Case No. 48 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 petitioner nos. 3 and 4 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 nos. 1 and 2 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.

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 wife on her back or by her grand daughter, conversely, their bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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