

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60298 of 2019**

Arising Out of PS. Case No.-165 Year-2019 Thana- DARIYAPUR District-
Saran

- =====
1. SAIDA BIBI W/o Asgar Miya Resident of Village- Musehari, P.S.-
Dariyapur, District- Saran
 2. Isaraphil Ali @ Ishrafil Ali S/o Asgar Miya Resident of Village- Musehari,
P.S.- Dariyapur, District- Saran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Mukesh Kumar Singh, Advocate.

For the Opposite Party: Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 25-09-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 143, 341, 342, 323, 324, 307, 379 and 504 of the Indian Penal Code registered in connection with Dariyapur P.S. Case No. 165 of 2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute and there is case and counter case between the parties. It is submitted that the specific accusation of assault upon the informant is attributed to co-accused Asgar Mian. The accusation of assault upon the informant's nephew Nitesh Kumar is general and omnibus



against the accused persons including the petitioners with *lathi, dunda, fists and slaps and iron rod*. It is stated that the opinion is reserved in respect of the injuries sustained by the said Nitesh Kumar. 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 Additional Chief Judicial Magistrate-IV, Saran, Chapra in connection with Dariyapur P.S. Case No. 165 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 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.1 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. 2 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.

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 nephew Nitesh Kumar. In case grievous injury is found, their bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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