

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60337 of 2019

Arising Out of PS. Case No.-181 Year-2019 Thana- PALASI District- Araria

1. MD. MUSTAQUE Son of Late Jhari Bux Resident of Village- Katarbari, P.S.- Jokihat, Dist.- Araria.
2. Bibi Asmati Wife of Md. Mustaque Resident of Village- Katarbari, P.S.- Jokihat, Dist.- Araria.
3. Md. Rizwan Son of Md. Mustaque Resident of Village- Katarbari, P.S.- Jokihat, Dist.- Araria.
4. Md. Ibran Son of Md. Mustaque Resident of Village- Katarbari, P.S.- Jokihat, Dist.- Araria.
5. Pappu Alam Son of Md. Mustaque Resident of Village- Katarbari, P.S.- Jokihat, Dist.- Araria.
6. Mojahid Son of Islam Resident of Village- Katarbari, P.S.- Jokihat, Dist.- Araria.
7. Munna Son of Mojib Resident of Village- Katarbari, P.S.- Jokihat, Dist.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh
For the Opposite Party/s : Mr. R.P.Nat, APP

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 341, 323, 379, 354 and 504/34 of the Indian Penal Code, registered in connection with Palasi P.S.Case No. 181 of 2019.

3. It is submitted that the petitioners have been falsely



implicated and the FIR has been lodged against as many as seven accused persons, all of whom are family members. The informant and petitioner no.1 are *Samdhi*. The FIR has been lodged in retaliation to the earlier FIR being Palasi P.S.Case No. 170 of 2019 lodged by the daughter of petitioner no.1 alleging offences under Section 498(A) and allied provisions of the Indian Penal Code.It is, therefore, submitted that the accusations are vengeful. The petitioners claim clean antecedents.

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 Sri Mithilesh Kumar, A.C.J.M.-VI, Araria in connection with Palasi P.S. Case No. 181 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 petitioner nos. 1, 3, 4, 5, 6 and 7 shall remain physically present in court on each and every date during trial and petitioner no.2 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 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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