

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69143 of 2018

Arising Out of PS. Case No.-84 Year-2018 Thana- OBRA District- Aurangabad

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1. Baban Rajbanshi S/o Latge Brij Rajbanshi
 2. Sharda Devi @ Sharda Devi W/o Sujit Rajbanshi, Both are resident of Village- Checharhi, P.S.- Obra, District- Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 25-02-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 302/341/323/324/325/326/307/337/338/34 IPC registered in connection with Obra P.S. Case No. 84/2018.

3. It is submitted that the petitioners have been falsely implicated and the thrust of accusation of assault with *farsa* upon the informant's son and husband is upon co-accused Akhilesh Yadav. The accusation of assault by petitioner no. 1 with *lathi* and petitioner no. 2 by brick bats are general and omnibus in nature. Similarly situated co-accused have been granted anticipatory bail by this Court in Cr. Misc. No. 69297 of 2018 and Cr.Misc. No. 70988 of 2018.

4. A perusal of para 31 of the case diary containing post mortem report discloses only one injury on the deceased.

5. 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 SDJM, Daudnagar, District Aurangabad, in connection with Obra P.S. Case No. 84/2018 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 petitioner no.1 shall remain physically present and the petitioner no. 2 shall be well represented in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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