

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64452 of 2018

Arising Out of PS. Case No.-203 Year-2018 Thana- MAHESI District- East Champaran
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1. Sohan Ram Son of Jugeshwar Ram,
2. Ajay Ram, Son of Sohan Ram,
3. Ashok Ram @ Ashok Kumar, Son of Sohan Ram,
4. Vikash Kumar, Son of Sohan Ram,
5. Rakesh Kumar, Son of Sohan Ram,
6. Nawal Kishore, Son of Sohan Ram,
7. Raju Kumar, Son of Sohan Ram,
8. Raja Babu, Son of Sohan Ram, All resident of Village- Bakhari Nazir, P.S.- Mehsi, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s
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Appearance :

For the Petitioner/s : Mr.Shakil Ahmad Khan
For the Opposite Party/s : Sri Umesh Lal Verma
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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 04-02-2019 Learned counsel for the petitioners Mr. Shakil Ahmad Khan states that the petitioner nos. 1, 4 and 5 have already been arrested and seeks permission to withdraw the anticipatory bail petition as against them, as the same has become infructuous.

2. Permission is accorded. Anticipatory bail petition as against petitioner no. 1, 4 and 5 is permitted to be withdrawn and is dismissed as such.

3. The petitioner nos. 2 , 3, 6, 7 and 8 apprehend their arrest for the offences alleged under Sections 386/34 IPC registered in connection with Mehsi P.S. Case No. 203/2018.

4. It is submitted that the petitioner nos. 2 , 3, 6, 7 and 8 have been falsely implicated in the backdrop of land dispute between the parties. The accusations are general and omnibus against all the accused persons. In any event, even the accusations in the FIR the ingredients of offence under Section 386 IPC are not made out. The



petitioner nos. 2 , 3, 6, 7 and 8 claim clean antecedents.

5. Be that as it may, in the event of arrest or surrender by petitioner nos. 2, 3, 6, 7 and 8 before the court below within six weeks from the date of communication of this order, let the above named petitioner nos. 2, 3, 6, 7 and 8 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 ACJM VI, Motihari, East Champaran, in connection with Mehsi P.S. Case No. 203/2018 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 petitioner nos. 2, 3, 6, 7 and 8.

ii. That the petitioner nos. 2, 3, 6, 7 and 8 shall not indulge in any similar offence till conclusion of the trial.

iii. That the petitioner nos. 2, 3, 6, 7 and 8 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 nos. 2, 3, 6, 7 and 8 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.

Chandran/-

(Vikash Jain, J)

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