

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62583 of 2019**

Arising Out of PS. Case No.-59 Year-2017 Thana- BARHAT District- Jamui
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1. BIRENDRA MARANDI Son of Nila Marandi Resident of Village- Kaduatari, P.S.- Barhat, District- Jamui.
2. Reeta Devi W/O Birendra Marandi Resident of Village- Kaduatari, P.S.- Barhat, District- Jamui.
3. Jagdish Soren Son of Late Pairu Soren Resident of Village- Kaduatari, P.S.- Barhat, District- Jamui.
4. Bhagwan Murmu Son of Late Jaypal Murmu Resident of Village- Kaduatari, P.S.- Barhat, District- Jamui.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Mukul Jee, Advocate.

For the Opposite Party: Mr. Mithlesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 17-10-2019

Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 354(B), 323, 504, 452, 380 and 307/34 of the Indian Penal Code and Section 3/4 of the Daain Act registered in connection with Barhat P.S. Case No. 59 of 2017.

3. It is submitted that the petitioners has been falsely implicated in a complaint-based F.I.R. and there is land dispute between the parties as the parties are family members. Reference is invited to the order of the learned Ist Additional Sessions Judge, Jamui observing that there is no injury report attached in the case diary. The accusation under Section 354B IPC against the petitioners is highly improbable considering that the parties are all family members. 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 Judicial Magistrate Ist Class, Jamui in connection with Barhat P.S. Case No. 59 of 2017, 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. 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 petitioner nos. 2 and 3 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.

(Vikash Jain, J)

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