

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61657 of 2019**

Arising Out of PS. Case No.-32 Year-2019 Thana- BUDHUCHAK District- Bhagalpur

1. AMITESH KUMAR @ AMITESH RANJAN Son of Late Madan Mandal Resident of Village - Naya Tola Rani Diyara, P.S.- Budhuchak, District - Bhagalpur.
2. Subhashish @ Abhinav Kumar Son of Late Madan Mandal Resident of Village - Naya Tola Rani Diyara, P.S.- Budhuchak, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Kartik Kumar Sinha  
For the Opposite Party/s : Mr.Nirmal Kumar Sinha

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**  
**ORAL ORDER**

2      01-10-2019                      Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Section 341, 323, 307, 379, 504/34 of the Indian Penal Code registered in connection with Budhuchak P.S. Case No. 32 of 2019.

3. It is submitted that the petitioners have been falsely implicated and the petitioners are non-other than the nephews of the informant. The present FIR has been lodged in retaliation to the earlier Complaint Case No. 26041 of 2015 filed by the mother of the petitioners against the informant and others. The accusation of assault against all five accused persons including the petitioners is general and omnibus in nature. The injuries of the informant are simple in nature while the injuries of the informant's wife has been kept reserved. The petitioners claim clean antecedents.



4. Be that it may, in the event of petitioners' arrest or surrender within four weeks hereof let the above named petitioners' be released on provisional 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 13, Bhagalpur in connection with Budhuchak P.S. Case No. 32 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) The petitioners 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, if no grievous injury has been caused to Ranjana Devi, the informant's wife, conversely, their bail bonds shall stand automatically cancelled.

**(Vikash Jain, J)**

Chandran/-

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