

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63387 of 2019**

Arising Out of PS. Case No.-39 Year-2019 Thana- KAJRAILICHAK District-
Bhagalpur

- =====
1. KARUNA DEVI W/o Balmukund Sah R/o village- Kelapur, P.S.- Kajraili, District- Bhagalpur
 2. Parshuram Sah S/o Ganesh Sah R/o village- Kelapur, P.S.- Kajraili, District- Bhagalpur
 3. Suman Sah @ Suman Kumar Sah S/o Balmukund Sah R/o village- Kelapur, P.S.- Kajraili, District- Bhagalpur
 4. Srishti Kumari @ Tutul Kumari @ Tuntun Kumari D/o Balmukund Sah R/o village- Kelapur, P.S.- Kajraili, District- Bhagalpur

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioners : Dr. Manoj Kumar, Advocate.

For the Opposite Party: Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 21-10-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 307, 324, 379, 504, 506, 34 of the Indian Penal Code registered in connection with Kajraili P.S. Case No. 39 of 2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute as the parties are *gotiya* and there is case and counter case between the parties. The specific accusation has been made against petitioner no. 3 of



having assaulted the informant with knife while accusation against the remaining petitioners are general and omnibus in nature. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let petitioner nos. 1, 2 and 4 be released on bail and petitioner no. 3 be released on provisional bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIV, Bhagalpur in connection with Kajraili P.S. Case No. 39 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 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 nos. 1 and 4 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, 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 petitioner no. 3 shall be confirmed by the learned Court below upon verification within a further period of four weeks after furnishing bail bond, that no grievous injury suffered by the informant in his abdomen; conversely, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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