

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63496 of 2019**

Arising Out of PS. Case No.-39 Year-2019 Thana- PALANWA District- East
Champaran

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1. DWARIKA PATHAK Son of Sheo Pujan Pathak Resident of Village - Jagdhar, P.S.- Palanwa, Distt.- East Champaran, Motihari
 2. Shambhu Pathak Son of Sheo Pujan Pathak Resident of Village - Jagdhar, P.S.- Palanwa, Distt.- East Champaran, Motihari
 3. Dinesh Pathak Son of Sheo Pujan Pathak Resident of Village - Jagdhar, P.S.- Palanwa, Distt.- East Champaran, Motihari
 4. Satyendra Pathak Son of Sheo Pujan Pathak Resident of Village - Jagdhar, P.S.- Palanwa, Distt.- East Champaran, Motihari
 5. Mani Bhushan Pathak Son of Sambhu Pathak Resident of Village - Jagdhar, P.S.- Palanwa, Distt.- East Champaran, Motihari
 6. Sanjay Pathak Son of Jagarnath Pathak Resident of Village - Jagdhar, P.S.- Palanwa, Distt.- East Champaran, Motihari
 7. Govind Pathak Son of Sanjay Pathak Resident of Village - Jagdhar, P.S.- Palanwa, Distt.- East Champaran, Motihari
 8. Kunal Pathak Son of Dwarika Pathak Resident of Village - Jagdhar, P.S.- Palanwa, Distt.- East Champaran, Motihari
 9. Shashi Bhushan Pathak Son of Shambhu Pathak Resident of Village - Jagdhar, P.S.- Palanwa, Distt.- East Champaran, Motihari

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sharda Nand Mishra, Advocate.

For the Opposite Party: Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 22-10-2019

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

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504, 506 and 447 of the Indian Penal Code registered in connection with Palanwa P.S. Case No. 39 of 2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute and there is case and



counter case between the parties. The petitioners are alleged to have variously assaulted the informant's side but in any event the injuries are simple in nature. There is one day delay in instituting the F.I.R. on 22.03.2018 for the alleged occurrence of 21.03.2019. 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 Sub-Divisional Judicial Magistrate at Raxaul, District- East Champaran, Motihari in connection with Palanwa 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 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.

(Vikash Jain, J)

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