

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65911 of 2019**

Arising Out of PS. Case No.-356 Year-2018 Thana- DARIYAPUR District-
Saran

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1. RAM BABU RAI Son of Hardeo Rai Resident of Khajuhatta, Police Station- Dariyapur, District- Saran
 2. Pintu Kumar @ Pintu Rai Son of Lalan Rai Resident of Khajuhatta, Police Station- Dariyapur, District- Saran
 3. Sheo Prasad Rai Son of Hira Rai Resident of Khajuhatta, Police Station- Dariyapur, District- Saran
 4. Dinesh Rai @ Dinanath Rai Son of Sheo Prasad Rai Resident of Khajuhatta, Police Station- Dariyapur, District- Saran

... .. Petitioners

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Najmul Hoda, Advocate.
For the Opposite Party : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 04-11-2019 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, 342, 323, 324, 307, 504/34 of the Indian Penal Code registered in connection with Dariyapur P.S. Case No. 356 of 2018.

3. It is submitted that the petitioners have been falsely implicated on the accusation of having assaulted the informant in the backdrop of previous enmity. The sister of petitioner no. 1 has also filed Dariyapur P.S. Case No. 358 of 2018 alleging



attempt of kidnapping and snatching ornaments. It is submitted that in any event the injuries suffered by the informant are superficial in nature.

4. Learned APP invites reference to the injury report which shows as many as seven injuries including on the head of the informant and final opinion has been reserved till X-ray is available.

5. 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 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 Additional Chief Judicial Magistrate-IV, Chapra, Saran in connection with Dariyapur P.S. Case No. 356 of 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 petitioners.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner 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.

6. 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, that no grievous injury has been caused to the informant; conversely, their bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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