

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64199 of 2018

Arising Out of PS. Case No.-244 Year-2018 Thana- BASANTPUR District- Siwan

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1. Sri Ram Prasad Son of Late Ramjapi Prasad, aged about 62 years, Resident of Village Kothuwa Sarengpur P.S. Daraulia District- Siwan.
 2. Chandrawati Devi wife of Sri Raj deo Ray, aged about 65 years, resident of Village Kumkumpur, P.S. Basantpur, District Siwan, Mob. No. 9661575756

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Ratan Kumar Kumar Mr. Ram Chandra Singh, Ms. Preety Kunwar, Advocates
For the Opposite Party	:	Mr. Ajay Mishra , APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 03-01-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 420, 406/34 of the Indian Penal Code registered in connection with Basantpur P.S. Case No. 244 of 2018.

3. It is submitted that out of 429 latrine rooms, 52 latrine rooms are required to be constructed but it has been alleged in the first information report that 52 such rooms were not constructed. However, from perusal of the order of the learned Sessions Judge it transpires that as against the submission of learned APP that 24 latrine rooms were not constructed, it was found from the list submitted by the B.D.O. Basantpur during enquiry that 13 latrine rooms had not been constructed by the petitioner and some were not fully constructed. It is therefore submitted that the number of latrine rooms allegedly not constructed by the petitioner itself appears indeterminate and in any event is insignificant compared to total number of the latrine rooms required to be constructed. The



petitioner claims clean antecedents.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, 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 bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Basantpur P.S. Case No. 244 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. as well as with following conditions –

(i) That one of the bailors of each of the petitioners shall be their close relatives.

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

(iii) 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.

(iv) 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.

(Vikash Jain, J)

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