

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5419 of 2019

Arising Out of PS. Case No.-365 Year-2018 Thana- SHERGHATI District- Gaya

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1. Bablu Das son of Late Jamuna Das, Resident of Village - Raja Bigha, P.S- Sherghati, District- Gaya
 2. Bigan Das Son of Late Jamuna das Resident of Village - Raja Bigha, P.S. Sherghati, District Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Ashok Kumar No.4, Advocate
For the State : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 07-02-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 385 and 387 of the Indian Penal Code registered in connection with Sherghati P.S. Case No. 365 of 2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of family dispute as the parties are related to each other. It has been alleged in the FIR that demands of extortion were being made for the past six months but no FIR has been filed earlier. There is no injury report on record to corroborate the accusation of assault. It is submitted that the accusation against the petitioners under Section 385 of the IPC is bailable and ingredients of offence under Section 387 of the IPC are not made out. 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 bonds of Rs.10,000/- (ten



thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati Court at Gaya in connection with Sherghati P.S. Case No. 365 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further 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.

BT/Chandran

(Vikash Jain, J)

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