

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80540 of 2018

Arising Out of PS. Case No.-137 Year-2018 Thana- KALYANPUR District-
East Champaran

- =====
1. Durgesh Dubey Son of Late Bhagya Narayan Dubey.
 2. Rajan Shukla.
 3. Dhiraj Shukla @ Dhiraj Kumar Shukla Both Sons of Sanit Shukla, all resident of village- Bahlolpur, P.S. Kalyanpur, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh,Adv
For the Opposite Party/s : Mr.Ram Sumiran Roy

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 24-01-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341,323, 324, 325, 307, 451, 380, 427, 504, 34 IPC registered in connection with Kalyanpur P.S. Case No. 137/2018.

3. It is submitted that the petitioners have been falsely implicated and there is case and counter case in the backdrop of admitted land dispute between the parties as evident from T.S. No. 167/1994, which was finally decided in favour of the mother of the petitioner nos. 2 and

3. The injury report of the informant does not corroborate with the accusation of assault by the petitioner no. 1 with *barchi*. The accusation of assault against petitioner nos. 2 and 3 are general and omnibus in nature and the accusation of theft is merely ornamental in nature. The prior cases in which the petitioners are accused relate to disputes with the informant's side against the petitioner no.1, apart from two other cases of the year 2010 of different nature.

4. Be that as it may, having regard to the entirety of the facts and



circumstances, 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 ACJM-9, East Champaran, Motihari, in connection with Kalyanpur P.S. Case No. 137/2018, 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 petitioners shall co-operate 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. 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.

Chandran/-

(Vikash Jain, J)

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