

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6144 of 2020

Arising Out of PS. Case No.-169 Year-2019 Thana- KUMAR KHAND District- Madhepura

1. ASHOK SAH Son of Late Mahavir Sah Resident of Village-Bhairopur, P.S.-Kumarkhand, District-Madhepura.
2. Upendra Sah Son of Late Mahavir Sah Resident of Village-Bhairopur, P.S.-Kumarkhand, District-Madhepura.
3. Umesh Sah Son of Late Tarachandra Sah Resident of Village-Bhairopur, P.S.-Kumarkhand, District-Madhepura.
4. Dharam Chandra Sah Son of Late Bhajjo Sah Resident of Village-Bhairopur, P.S.-Kumarkhand, District-Madhepura.
5. Pankaj Sah Son of Chandeshwari Sah Resident of Village-Bhairopur, P.S.-Kumarkhand, District-Madhepura.
6. Kundan Sah Son of Chandeshwari Sah Resident of Village-Bhairopur, P.S.-Kumarkhand, District-Madhepura.
7. Shibu Sah @ Shivrindan Sah Son of Bindeshwari Sah Resident of Village-Bhairopur, P.S.-Kumarkhand, District-Madhepura.
8. Shankar Sah Son of Bindeshwari Sah Resident of Village-Bhairopur, P.S.-Kumarkhand, District-Madhepura.
9. Raj Kumar Sah Son of Shankar Sah Resident of Village-Bhairopur, P.S.-Kumarkhand, District-Madhepura.
10. Bhattu Sah @ Bhatu Sah @ Bhadu Sah Son of Shibu Sah Resident of Village-Bhairopur, P.S.-Kumarkhand, District-Madhepura.
11. Santosh Sah Son of Shibu Sah Resident of Village-Bhairopur, P.S.-Kumarkhand, District-Madhepura.
12. Mantosh Kumar Son of Late Arjun Yadav Resident of Village-Bhairopur, P.S.-Kumarkhand, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Vishoka Nand
For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 02-03-2020 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, 323, 307, 379, 380, 427, 504 and 506 of the Indian Penal Code, including Section 27 of the Arms Act, registered in connection with Kumarkhand P.S.Case No. 169 of 2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of an earlier FIR having been filed by petitioner no.3. A title suit being Title Suit No. 338 of 2013 is going on between the informant's side and brother of petitioner no.2. The accusation under Section 27 of the the Arms Act is not corroborated by any injury report in absence of any fire-arm injury caused to anyone. The injury in any event is simple in nature.

4. Be that as it may, in the event of petitioners' arrest or surrender before 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 the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Madhepura in connection with Kumarkhand P.S.Case No. 169 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 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) 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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