

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6002 of 2020

Arising Out of PS. Case No.-258 Year-2019 Thana- PHULWARIYA District- Gopalganj

1. BACHCHA OJHA Son of Late Chhatradhari Ojha Resident of Village- (Ojhawaliya) Bhagwanpur, P.S.- Phulwariya, Distt- Gopalganj.
2. Rintu Ojha Son of Bachha Ojha Resident of Village- (Ojhawaliya) Bhagwanur, P.S.- Phulwariya, Distt- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyama Kant Singh

For the Opposite Party/s : Mr. Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehends their arrest for the offences alleged under Sections 384 and 386 of the Indian Penal Code registered in connection with Phulwariya P.S. Case No. 258 of 2019.

3. It is submitted that the petitioners have been falsely implicated in the complaint based FIR, which has been filed merely to put pressure on the petitioners, who are father and son, to sell the land adjacent to the plot of land earlier sold by them to Rajid Miya, who in turn had sold the same to the complainant. There is delay of about five days in filing the complaint on 20.09.2019 for the alleged occurrence of 15.09.2019. The petitioner no. 2 had filed Informatory Petition No. 1915 of 2019 (Annexure-3) apprehending implication in false case at the hands of the informant. 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 bond of Rs.10,000/- (ten thousand)



each with two sureties of like amount each to the satisfaction of learned ACJM-IX, Gopalganj, in connection with Phulwariya P.S. Case No. 258 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. 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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