

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75541 of 2019

Arising Out of PS. Case No.-474 Year-2019 Thana- ARARIA District- Araria

1. BABLU @ MUZAMMIL @ MOZAMIL Son of Md. Siddique @ Siddique Resident of Village - Hariyabara, P.S.- Araria R.S.- Distt - Araria.
2. Saddam Son of Md. Siddique @ Siddique. Resident of Village - Hariyabara, P.S.- Araria R.S.- Distt - Araria.
3. Md. Mohatmil @ Motmmim Son of Md. Siddique @ Siddique. Resident of Village - Hariyabara, P.S.- Araria R.S.- Distt - Araria.

... .. Petitioner/s

The	State	Versus
		of
... ..	Opposite Party/s	Bihar

Appearance :

For the Petitioner/s	:	Mr.Anil Prasad Singh
For the Opposite Party/s	:	Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 06-03-2020 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, 149, 342, 323, 324, 379, 354, 504 of the Indian Penal Code registered in connection with Araria (R.S.) P.S. Case No. 474 of 2019.

3. It is submitted that the petitioners have been falsely implicated on the accusation of having committed assault on the informant by the petitioners, whose sister was married to the informant. It is submitted that there is nothing to indicate that any grievous injury has been caused to the informant. The averments in the FIR do not constitute the ingredients of the offences under Section 354 IPC and the allegation under 379 IPC is mere embellishment. The petitioner claims clean antecedents.

4. Learned APP on the basis of case diary submits that there is direct accusation of assault by the petitioner. The injury report however shows the injuries to be simple in nature.



5. 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 CJM, Araria, in connection with Araria (R.S.) P.S. Case No. 474 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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