

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69302 of 2019**

Arising Out of PS. Case No.-906 Year-2018 Thana- MUZFFARPUR
COMPLAINT CASE District- Muzaffarpur

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1. HARIHAR SINGH S/o Late Bansi Singh R/o village- Muraul, P.S.- Maniyari, District- Muzaffarpur
 2. Kiran Kumari W/o Mithlesh Kumar R/o village- Muraul, P.S.- Maniyari, District- Muzaffarpur
 3. Kavita Kumari W/o Akhilesh Kumar R/o village- Muraul, P.S.- Maniyari, District- Muzaffarpur
 4. Mithilesh Kumar Singh @ Mithilesh Kumar S/o Harihar Singh R/o village- Muraul, P.S.- Maniyari, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Savita Devi W/o Shivchandra Singh R/o village- Muraul, P.S.- Maniyari, District- Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioners : Mr. Arun Kumar, Advocate.
For the O.P. No.2 : Mr. Alok Kumar Alok, Advocate
For the State : Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 05-03-2020 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 420, 468, 465 and 120(B) of the Indian Penal Code registered in connection with Complaint Case No. 906 of 2018, Trial No. 1319 of 2018.

3. It is submitted that the petitioners has been falsely implicated in the backdrop of admitted land dispute between the parties who are *gotiyas*. The petitioner no. 1 has earlier filed Complaint Case No. 1551 of 2017 in which cognizance has been taken against the accused persons including the complainant. Petitioner no. 1 has also filed Title Suit No. 298 of 2018 which is



pending before the Sub Judge Ist, West, Muzaffarpur. It is therefore submitted that the entire dispute between the parties is of civil nature. The petitioners claim clean antecedents.

4. Learned counsel for the complainant appears and has been heard.

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 Sub-Judge VII-cum-A.C.J.M. VII, Muzaffapur in connection with Complaint Case No. 906 of 2018, Trial No. 1319 of 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 of each of the petitioners shall be their close relatives other than the petitioners herein.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner nos. 2 and 3 shall be well represented in Court on each and every date during trial except as and when directed by the learned Court below to be physically present and petitioner nos. 1 and 4 shall remain present in Court on each and every date, 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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