

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.236 of 2020

Arising Out of PS. Case No.-83 Year-2019 Thana- BAUSI District- Araria

1. ARIF @ MANMA @ MD. ARIF Son of Late Farooque Resident of Village-Harpur, Ward No.4, P.S.-Bousi, District-Araria.
2. Maruf @ Sanba Son of Late Farooque Resident of Village-Harpur, Ward No.4, P.S.-Bousi, District-Araria.

... .. Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr.Manish Kumar, Advocate

For the Opposite Party : Renuka Ratnakar, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-02-2020 Heard learned counsel for the petitioners as well as learned counsel for the State.

Petitioners apprehend arrest in a case registered for the offences punishable under Sections 379,427/34 of the Indian Penal Code on the allegation that they cut 350 trailer soil from the land of the informant.

Defence of the petitioners is that the FIR has been lodged after lapse of two weeks without explanation. It is submitted that section 379 Indian Penal Code is not applicable, whereas section 427 Indian Penal Code is bailable. Petitioners have got no criminal antecedent.

Considering the facts of the case, let the petitioners, above named, in the event of arrest/surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria in Bousi Police Station Case No. 83/2019 on the following



conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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