

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16426 of 2015

Arising Out of PS.Case No. -240 Year- 2014 Thana -SARAIYA District- MUZAFFARPUR

Birmani Kumar, Son of Dina Nath Gupta, Residence of Village- Bhakhara ,
P.S Saraiya, District- Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Adv.

For the State : Mr. Duresh Nandan (APP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

2 22-04-2015

Heard learned Counsel for the petitioner and the State.

The petitioner was allowed bail by the order dated 22.1.2015 passed in Cr. Misc. 2509 of 2015 in which one of the conditions was that an affidavit would be filed on his behalf that he is not an accused in any other case, but, since the Petitioner was an accused in two other cases, such an affidavit could not be filed and he has remained in custody.

Considering that on merit, the Petitioner was found fit to be released on bail, let the petitioner above named, be released on bail on furnishing bail bond of Rs.5,000/-(Five thousand) with two sureties of the like amount each or any other surety to be fixed by the court concerned to the satisfaction of Sub Divisional Judicial Magistrate (West), Muzaffarpur, in connection with Saraiya P.S. Case No. 240 of 2014 subject to the conditions, (i) That one of the



bailors will be a close relative of the Petitioner who will give an affidavit giving genealogy as to how he is related with the Petitioner and the other shall be the father of the Petitioner namely, Dina Nath Gupta. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioner. (ii) That the bailor shall also state on affidavit that he will inform the court concerned if the Petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse. (iii) That the Petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse. (iv) That the Petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

The Petitioner is directed to deposit a sum of Rs.250/- (Two hundred fifty) in the District Legal Aid Committee, Muzaffarpur.

(Anjana Prakash, J)

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