

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1301 of 2015

Arising Out of PS.Case No. -22 Year- 2013 Thana -LAUKARIA District-
WESTCHAMPARAN(BETTIAH)

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Raju Mian @ Kalu @ Rashid Miyan S/o Yasin Mian, Village- Jalampur
Alam, P.S.- Dhampur, District- Bijour, Uttar Pradesh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Advocate

For the Opposite Party/s : Mr. Ganesh Pd.Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 04-03-2015

Heard the parties.

The petitioner seeks bail in a criminal prosecution registered under Section 366-A/34 of the Indian Penal Code.

It is submitted that though the petitioner besides others are named in the first information report vide Annexure-1 as accused, but the alleged victim, who was recovered and her statement under Section 164 of the Code of Criminal Procedure was recorded twice, has not alleged the criminal misbehaviour against the petitioner or any other accused persons. The petitioner is said to be in judicial custody since 20.10.2014.

Taking into consideration the aforesaid aspects as also the fact that similarly situated co-accused have already been granted bail vide Annexure-5, the prayer for bail of the petitioner is allowed. The above named petitioner is ordered to be released on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bagaha, West Champaran in Laukariya P.S.Case No. 22 of 2013,

subject to the following conditions:

(A) one of the bailors must be government servant or close family member of the petitioner who will file an affidavit in the court below showing his/her relationship with the petitioner,

(B) if the petitioner is found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned, and

(C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

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