

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10862 of 2015

Arising Out of PS.Case No. -95 Year- 2012 Thana -POTHIYA District- KISANGANJ

Sonu Agarwal @ Sonu Son of Ram Prasad Agtarwal, resident of village-
M.G. Road, Islampur, P.S.- Islampur in the district of Utteri Dinajpur (W.
Bengal)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 25-05-2015

Heard the parties.

The petitioner seeks bail in a criminal prosecution registered under Section 302/201 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner submits that though two persons are said to have been killed in the crime in question, but the petitioner is not named in the F.I.R. vide Annexure-1 as an accused. However, on close of investigation, charge sheet was submitted under Sections 396 and 412 of the Indian Penal Code, but the petitioner has not been put on T.I. Parade till date and no incriminating article has been recovered either from his house or from his possession. It is specifically stated in paragraph-3 of the petition that the petitioner is not named in any other criminal case, excepting the present one. It is further highlighted that co-accused Sitaram Chourasiya with almost identical allegation has already been granted bail by order dated 03.06.2013 passed in Cr. Misc. No. 9364 of 2013 by a Bench of this Court.

In above view of the matter, the prayer for bail of the petitioner is allowed, subject to verification by the learned Chief

Judicial Magistrate, Kishanganj about criminal antecedent of the petitioner. On such verification if it is found that the petitioner is not accused in any other criminal case, excepting the present one, then he shall be released on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in connection with Pothia (Paharkatta) P.S. Case No. 95 of 2012, subject to the conditions that:

- (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 the 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 bonds of the petitioner.

BTiwary/-

(Birendra Prasad Verma, J)

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