

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30261 of 2014

Arising Out of PS.Case No. -122 Year- 2013 Thana -KUCHAIKOTE District- GOPALGANJ

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Asheshar Ram S/o Janki Ram Resident of Village - Moti Tola, P.S. - Malahi Tola (Thakarha), District - West Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 14-01-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offence punishable under Section-304B of the Indian Penal Code and the fact he is not even named in the First Information Report nor is directly related to the deceased victim girl, after whose death in suspicious circumstances the First Information Report was lodged by making allegation only against her husband Rajesh Ram, and that his implication as a co-accused is only at a subsequent stage are sufficient circumstances which would make him entitled to the privilege of his being granted anticipatory bail specially when similarly situated co-accused persons namely, Suryabali Ram, Sampati Devi and Sugant Ram having



identical allegation in the same case have been also given privilege of anticipatory bail by an order of this Court dated 22.10.2014 passed in Criminal Miscellaneous No.27979 of 2014 more so when the petitioner has got no criminal antecedent.

That being so, if the petitioner, namely, Asheshar Ram surrenders within a period of four weeks from today, shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of **Chief Judicial Magistrate, Gopalganj** in connection with **Kuchaikote P.S. Case No. 122 of 2013** subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That both the bailors will be close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors 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 the 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 and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

Ranjan/-

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