

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 35873 of 2014

Arising out of P. S. Case No. - 177 Year - 2012 Thana - SULTANGANJ District - BHAGALPUR

1. Upendra Gorhi @ Upendra Ghorhi, Son of Late Dewan Ghorhi
2. Bhola Gorhi @ Vola Ghorhi, Son of Upendra Ghorhi

Both are the Resident of Adarsh Nagar, Police Station –
Sultanganj, District - Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anita Kumari Singh
For the Opposite Party/s : Mr. B.Ram(App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

4 27-01-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek bail in a case instituted for the
offences under Section 302 and 120B/34 of the Indian Penal Code.

Considering the nature of allegations against the
Petitioner no. 2, I am not inclined to release him from jail custody. The
prayer for bail is rejected.

The Trial Court is directed to expedite the trial.

As for Petitioner No. 1 Upendra Gorhi @ Upendra
Ghorhi, considering that there is no specific allegation against him, let
him 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
as fixed by the Court to the satisfaction of Judicial Magistrate,
Bhagalpur in connection with Sultanganj P.S. Case No. 177 of 2012

subject to the following 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. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioner. (ii) That the affidavit shall clearly state that the Petitioner is not an accused in any other case and if he is he shall not be released on bail. (iii) 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. (iv) 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. (v) 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.

(Anjana Prakash, J.)

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