

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40640 of 2014

Arising Out of PS.Case No. -126 Year- 2010 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

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Modelal Paswan, S/o Jainath Paswan, resident of village- Dhabdhabwa,
P.S.- Adapur, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. North Bihar Power Holding Company Ltd. & Ors.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar

For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 13-03-2015 Heard.

The petitioner apprehends his arrest in a criminal prosecution registered under Section 379 of the Indian Penal Code.

Taking into consideration the fact that on close of the investigation, the petitioner was not sent up for trial and charge-sheet was submitted against the other co-accused, but the learned Magistrate disagreeing with the police report has summoned the petitioner also, besides others, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of anticipatory bail. Accordingly, his prayer for grant of anticipatory bail is allowed. In the event of his arrest or surrender in the court below within a period of four weeks from today, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Raxaul at Motihari in connection with Trial No.1609 of 2013,

arising out of Adapur P.S. Case No. 126 of 2010, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and subject to further 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 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;

(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 date, 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)

Arvind/-

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