

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43657 of 2014

Arising Out of PS.Case No. -22 Year- 2010 Thana -BHAPATIYAH I District- SUPAUL

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Anant Lal Mandal @ Anand Lal Mandal Son of Late Butai Mandal R/o
Village - Bhaptiyahi, P.S. - Bhaptiyahi, Distt. - Supaul.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.46552 of 2014

Arising Out of PS.Case No. -22 Year- 2010 Thana -BHAPATIYAH I District- SUPAUL

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Deo Narayan Sah, son of late Makhan Sah, resident of village Bhaptiyahi,
P.S. Bhaptiyahi, District Supaul

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.43657 of 2014)

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Zainul Abedin (App)

(In Cr.Misc. No.46552 of 2014)

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Shailendra Kumar-I(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 04-02-2015 Heard learned counsel for the parties.

The petitioners facing prosecution for offence under sections 147, 341, 323, 379, 504, 366A of the Indian Penal Code have a cutout defence that the present case is not only an outburst of the earlier several criminal cases between the parties but even otherwise the allegation made against the petitioners would not inspire confidence in view of recovery of the girl from her own

house after period of 3½ years.

That being so, when the petitioners have also got no criminal antecedent, this Court would direct for release of the petitioners, namely, Anant Lal Mandal @ Anand Lal Mandal and Deo Narayan Sah, on bail on furnishing bail bond of Rs.10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Supaul on Bhaptiyahi P.S.Case No. 22/2010, subject to the following conditions:

(i) That both the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the bailor shall also state on affidavit that they will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their 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 petitioners will give an undertaking that they will receive the police papers on the given date and

be present on the date fixed for charge and if they fail to do so on two given dates and delay the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(iv) That the petitioners will be well represented on each and every date of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

surendra/-

(Mihir Kumar Jha, J)

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