

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49664 of 2014

Arising Out of PS.Case No. -245 Year- 2014 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Prasidh Rai son of Gorakh Rai resident of village - Birtiya Loknathpur, P.S.- Turkaulia, District- Wast Champaran.
 2. Shambhu Raut son of Naga Rout
 3. Kanhai Das , son of Late Narsingh Das, both resident of village- Chhagarahan, P.S. Sugauli, District- East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uma Kant Tiwary

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 03-03-2015 Heard the parties.

The petitioners seek bail in a criminal prosecution registered under Sections 420, 467, 468, 120B of the Indian Penal Code as also under Section 7 of the Essential Commodities Act.

It is submitted that even if the prosecution case is accepted to be true, though not admitted, yet the offences alleged shall not be applicable against the petitioners. It is further submitted that the petitioners are in judicial custody since 27.07.2014 and no other criminal case, excepting the present one is pending against them.

In the facts and circumstances of the case particularly taking into consideration the period of incarceration, their prayer for bail is allowed. The petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Motihari in connection with Sugauli P.S. Case No. 245 of 2014, subject to the conditions that:

- (A) One of the bailors must be government servant or close family member of the petitioners, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (B) if the petitioners are 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 petitioners, 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 petitioners shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by their lawyers on each and every dates, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioners.

(Birendra Prasad Verma, J)

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