

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49655 of 2014

Arising Out of PS.Case No. -164 Year- 2014 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

Vijay Kunwar @ Vijay Kuer son of Sri Ram Paras Kunwar, resident of
Village- Dilawarpur Tola Bhagwanpur P.S.- Kesaria, District- East
Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.50116 of 2014

Arising Out of PS.Case No. -164 Year- 2014 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

Mohammad Kalam Ansari @ Kalam Mian Son of Habib Mian, resident of
Village - Anandi Chhapra, P.S.- Sahebganj, District - Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.50726 of 2014

Arising Out of PS.Case No. -164 Year- 2014 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

Raj Kumar Rai Son of Late Awadh Rai, resident of village- Rampur
Bhikhanpura P.S.- Sahebganj, District- Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.50729 of 2014

Arising Out of PS.Case No. -164 Year- 2014 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

Rajeshwar Rai @ Rajesh Rai son of Moti Rai, resident of village- Ahiyapur,
P.S.- Sahebgang, District- Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.49655 of 2014)

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mrs. Asha Kumari, APP

(In Cr.Misc. No.50116 of 2014)

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate
For the Opposite Party/s : Mrs. Asha Kumari, APP
(In Cr.Misc. No.50726 of 2014)

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate
For the Opposite Party/s : Mrs. Asha Kumari, APP
(In Cr.Misc. No.50729 of 2014)

For the Petitioner/s : Mr. Rakesh Ranjan, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 03-03-2015

All the above four bail petitions arise out of common police case, therefore, all of them were heard together and are being disposed of by this common order.

The petitioners of all the bail petitions seek bail in a criminal prosecution registered under Section 395 of the Indian Penal Code.

It is submitted that the petitioners are not named in the first information report and they have not been put on test identification parade. It is further submitted that though certain articles have been seized from the house of petitioner Vijay Kunwar alias Vijay Kuer (Cr.Misc.No. 49655 of 2014), but those articles have not been put on test identification parade.

Learned Addl.P.P. appearing on behalf of the State of Bihar has pointed out that all the petitioners are involved in other criminal cases also besides the present one. Therefore, they may not be granted the privilege of bail in view of their past criminal antecedent.

Be that as it may, taking into consideration the fact that the petitioners are not named in the first information report, they have not been put on test identification parade till date and all of them are in judicial custody for more than six months, their prayer for bail is allowed. The above named four petitioners are

ordered to be released on bail on furnishing bail bonds of Rs.25,000/-(Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Motihari, East Champaran in Kalyanpur P.S.Case No. 164 of 2014, subject to the following conditions:

(A) one of the bailors of each petitioner must be a government servant,

(B) other bailors of each petitioner shall be a family member or close relation who will file an affidavit in the court below showing his/her relationship with the petitioner,

(C) if any of 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 bail of that 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, and

(D) the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer 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 bond of the petitioners.

(Birendra Prasad Verma, J)

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