

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10392 of 2015

Arising Out of PS.Case No. -41 Year- 2014 Thana -SONBERSA District- SAHARSA

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Sulendra Mehta Son of Chhotelal Mehta resident of village - Sukhasani,
P.S. Uda Kishunganj, District - Madhepura, At present - Village - Sukhasani
(Barahi), O.P. - Kash Nagar, P.S. Sonbarsa Raj, District - Saharsa.

.... Petitioner

Versus

The State of Bihar.

... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Parmeshwar Mehta

For the Opposite Party/s : Mr. Sangita Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL ORDER

4 16-07-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under section 302/34 of the Indian Penal Code and section 27 of the Arms Act and that the three persons, namely, Rajiv Sah, Lalan Yadav and Nirmal Yadav said to have last seen by the informant in the company of the deceased were specifically named in the F.I.R. and the petitioner is not named therein, the fact that the informant may have expressed doubt in F.I.R. that the petitioner also was somehow involved in the murder of her husband whose dead body was found on the next day, for the time being would not directly involve the petitioner so as to deny privilege of anticipatory bail, especially when he claims to have no criminal antecedent.

That being so, if the petitioner, Sulendra Mehta, surrenders before the court below within a period of four weeks



from today, he shall be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saharsa in Sonbarsa P.S.Case No. 41/2014, subject to the following conditions:

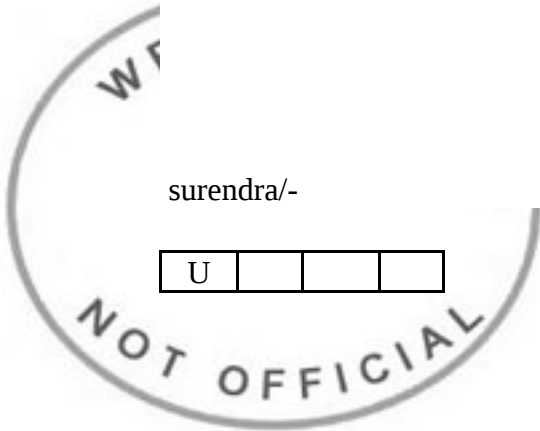
(i) That the court below shall make verification of criminal antecedent of the petitioner and if it is found that he is accused in any other criminal case, he shall not be granted bail and would be taken into custody.

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

(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 be well represented on each and every date of trial and if he fails to do so on two

consecutive dates, his bail will be liable to be cancelled on this ground alone.



(Mihir Kumar Jha, J)