

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23301 of 2015

Arising Out of PS.Case No. -666 Year- 2014 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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1. Awadheshwar Prasad Mishra S/o Late Kameshwar Prasad Mishra
2. Ashwani Kumar Mishra S/o Shri Awadheshwar Prasad Mishra
3. Kapileshwar Mishra S/o Shri Awadheshwar Prasad Mishra
4. Praveen Kumar Mishra S/o Shri Awadheshwar Prasad Mishra All ae
Resident of Mohalla Bhikhanpur, Police Station Ishakchak, District
Bhagalpur.

.... Petitioner/s

Versus

1.The State of Bihar.
2.Sri Chandra Shekhar Trivedi, s/o Sri Sarangdhar Trivedi, r/o Mohalla
Choti Khanjarpur, P.S. Barari District Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajanan Arun, Adv
For the O.P. No. 1 : Mr. Yogendra Kumar (App)
For the O.P. No. 2 : Mr. Akhileshwar Prasad Singh, Sr. Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 21-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for the offences punishable under Sections-420 and 406 of the Indian Penal Code and that the claim of the informant-Opposite Party No. 2 of payment of Rs. 45 lacs in cash and the resultant alleged forgery committed by the petitioners being also the subject matter of a pending title suit between the parties, this Court having taking into account that the petitioners have also got no criminal antecedent would find them

entitled for grant of privilege of anticipatory bail.



That being so, if the petitioners namely, **petitioner no. 1, Awadheshwar Prasad Mishra, petitioner no. 2, Ashwani Kumar Mishra, petitioner no. 3, Kapileshwar Mishra and petitioner no. 4, Praveen Kumar Mishra**, surrender within a period of four weeks from today, they would be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of **Chief Judicial Magistrate, Bhagalpur** in connection with **Kotwali (Barari) P.S. Case No. 666 of 2014**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That the court below shall make verification of criminal antecedent of the petitioner nos. 1, 2, 3 and 4 and if it is found that they are accused in any other criminal case, they shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be close relative of the petitioner nos. 1, 2, 3 and 4, 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.

(iii) That the bailors shall also state on affidavit that they will inform the Court concerned if the petitioner nos. 1, 2, 3 and 4 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 their bail on the ground of misuse.

(iv) That the petitioner nos. 1, 2, 3 and 4 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 delays the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioner nos. 1, 2, 3 and 4 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.

(Mihir Kumar Jha, J)

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