

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2517 of 2015

Arising Out of PS.Case No. -333 Year- 2007 Thana -MOHANIA District- BHABHUA (KAIMUR)

1. Khalid Akhtar Son of Late Azfar Hussain Resident of village - Sheikh Bahuara, P.S. Kochas, District - Rohtas

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

For the Opposite Party/s : Mr. Anil Pd. Singh(App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

2 22-01-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks bail in a case instituted for the offence under Section(s) 302,120B/34 of the Indian Penal Code and 27 of the Arms Act.

Considering that the Petitioner is not named in the first information report and later on named as conspirator, in the event of surrender/arrest of the Petitioner, named above, within four weeks from the date of receipt/production of a copy of this order in connection with Mohania P.S. Case No. 333 of 2007, he shall be released on **anticipatory bail** on furnishing bail bond of Rs.5,000/- (five thousand) with two sureties of the like amount each or any other surety to be fixed by the court below to the satisfaction of the Judicial Magistrate 1st Class, Kaimur(Bhabhua), subject to the conditions as laid down under sections 438(2) Cr. P. C, subject to the conditions (i) that one of the bailors will be a close relative of the petitioners, who will give

an affidavit giving genealogy as to how he is related with the petitioners. The bailors will undertake to furnish information to the court about any change in the address of the petitioners, (ii) that the affidavit shall clearly state that the petitioners are not accused in any other case and, if they are, they shall not be released on bail, (iii) that the bailors 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,(iv) that the petitioners will give an undertaking that they will receive the police papers on the given date and be present on 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, and (v) that the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

(Anjana Prakash, J)

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