

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16369 of 2015

Arising Out of PS.Case No. -230 Year- 2014 Thana -LAXMIPUR District- JAMUI

- =====
1. Rajendra Mistry @ Rajendra Sharma Son of Late Tusso Mistry
 2. Pramod Mistry@ Pramod Kumar @Pramanand Sharma son of Rajendra mistry@Rajendra sharma
- Both resident of village- Magrar, P.S Laxmipur, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.21472 of 2015

Arising Out of PS.Case No. -230 Year- 2014 Thana -LAXMIPUR District- JAMUI

- =====
1. Ranjeet Mistry@Ranjit Kumar Sharma Son of Rajendra Mistry
 2. Pradeep Mistry Son of Rajendra Mistry
- Both resident of village - Mangrar, P.S. Laxmipur, District - Jamui

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.16369 of 2015)

For the Petitioner/s : Mr. Ram Sumiran Rai, Adv.

For the Opposite Party/s : Mr. Satyendra Pd.(APP)

(In Cr.Misc. No.21472 of 2015)

For the Petitioner/s : Mr. Ram Sumiran Rai, Adv.

For the Opposite Party/s : Md. Fahimuddin(APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 09-07-2015 Heard learned counsel for the parties in both the cases.

Having regard to the allegation against the petitioners for offence under Sections 302, 326, and 341/34 of the Indian Penal Code and Section 27 of the Arms Act, while this Court would be inclined to grant privilege of anticipatory bail to the



petitioners, namely, Rajendra Mistry @ Rajendra Sharma, Pramod Mistry @ Pramod Kumar @ Pramanand Sharma and Pradeep Mistry on the ground of neither they being named in the First Information Report to be a member of the mob who had allegedly killed the deceased nor they are even having any criminal antecedent.

Thus, if the petitioners, namely, Rajendra Mistry @ Rajendra Sharma, Pramod Mistry @ Pramod Kumar @ Parmanand Sharma (both petitioners of Cr. Misc. No. 16369 of 2015) and Pradeep Mistry (petitioner of Cr. Misc. Cr. Misc. No. 21472 of 2015) surrender before the court below within a period of four weeks from today, they shall 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 Sub-Divisional Judicial Magistrate, Jamui in connection with Laxmipur P.S. Case No. 230 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

(i) That the court below shall make verification of criminal antecedent of the petitioners 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 a close relative of the petitioners, who will undertake 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 affidavit shall clearly state that the petitioners are not an accused in any other case and if they are, they shall not be released on bail.

(iv) 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.

(v) That the petitioners will be well represented on each and every date in course 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.

The same privilege of anticipatory bail, however, would not be given to the petitioner, namely, Ranjeet Mistry @ Ranjit Kumar Sharma (petitioner of Cr. Misc. No. 21472 of 2015) who is not only found to have been named in the First Information Report but his identification has also been corroborated by other witnesses as well.

Thus, the prayer for anticipatory bail of the petitioner, namely, Ranjeet Mistry @ Ranjit Kumar Sharma is hereby rejected but, then, if he surrenders before the court below and makes a prayer for regular bail, the same shall be considered on its own merit without being prejudiced by anything said in this order.

(Mihir Kumar Jha, J)

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