

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18621 of 2015

Arising Out of PS.Case No. -165 Year- 2014 Thana -HASANPUR District- SAMASTIPUR

- =====
1. Raman Singh, son of Jagdish Singh
 2. Bablu Singh @ Bablu Prasad Singh son of Late Ram Bhajan Singh,
Both resident of Village- Dewra, P.S.-Hasanpur, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rohit Kumar

For the Opposite Party/s : Mr. Dilip Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 15-06-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for offence under Section 448, 341, 323, 324, 307, 379, 504, 506 and 34 of the Indian Penal Code and the fact that that there has been a corresponding injury found by the doctor in the head of the informant Indradeo Singh ascribed to the petitioner no.1, this Court will not be inclined to grant anticipatory bail to the petitioner no.1, namely, Raman Singh.

So far as the petitioner no.2, Bablu Singh @ Bablu Prasad Singh, is concerned, his injury as alleged in the First Information Report has neither been found in the abdomen nor in the hands by the doctor. His case, therefore, would stand on the similar footing as that of Jagdish Singh and Santosh Singh who

have been granted anticipatory bail by the court below.

That being so, the prayer for anticipatory bail of the petitioner no.2, namely, Bablu Singh @ Bablu Prasad Singh is allowed and if he 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 Sri D.K. Bhardwaj, Judicial Magistrate, 1st Class at Rosera, Samastipur in connection with Hasanpur P.S. Case No. 165 of 2014 (G.R. No. 1183 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 both the bailors will be a close relative of the petitioner, who will undertake 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.
- (ii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is, he shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they 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 in course 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.

The prayer for anticipatory bail of the petitioner no.1, namely, Raman Singh, however, is rejected but, nothing said in this order shall come in the way of the petitioner in seeking a prayer for grant of regular bail in the court below.

(Mihir Kumar Jha, J)

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