

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18922 of 2015

Arising Out of PS.Case No. -232 Year- 2014 Thana -MAIRWA District- SIWAN

1. Om Prakash Sharma, Son of Late Acchelal Sharma
2. Mukesh Sharma Son of Surendra Sharma
Both Resident of village - Bihari, P.S. Nautan, District - Siwan
..... Petitioner/s

Versus

The State of Bihar
..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate.

For the Opposite Party/s: Mrs. Pushpa Sinha (App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 18-06-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for offence under Sections 307, 323, 324, 341, 379/34 of the Indian Penal Code and the fact that the main allegation of assault was against the petitioner no. 1, Om Prakash Sharma, who has already been arrested, this application for grant of anticipatory bail for remaining petitioner no. 2, namely, Mukesh Sahrma has to be allowed keeping in view the allegation against him of assaulting by a lathi is only on the hand of the informant specially when he claims to have no criminal antecedent.

That being so, if the petitioner no. 2 namely Mukesh Sharma 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/- with two sureties of the like amount each to the satisfaction of

the learned Chief Judicial Magistrate, Siwan in connection with Mairwa
P. S. Case No. 232 of 2014, subject to the following conditions:

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- (i) That the court below shall make verification of criminal antecedent of the petitioner no. 2 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 close family relatives of the petitioner no. 2, who will undertake an affidavit giving genealogy as to how they are related with the petitioner no. 2. The bailors will also undertake to inform the court if there is any change in the address of the petitioner no. 2.
 - (iii) That the affidavit shall clearly state that the petitioner no. 2 is not accused in any other case and if he is, he shall not be released on bail.
 - (iv) That the bailors shall also state on affidavit that he will inform the court concerned, if the petitioner no. 2 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 his bail on the ground of misuse.
 - (v) That the petitioner no. 2 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, however, for the reasons that he has already been arrested becomes infructuous and is, accordingly, rejected.

(Mihir Kumar Jha, J)

Sujit/-

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