

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18837 of 2015

Arising Out of PS.Case No. -526 Year- 2013 Thana -SARAN COMPLAINT CASE District-
SARAN

- =====
1. Jagmohan Singh, S/o late Chandradip Singh.
 2. Muna Singh, S/o Jagmohan Singh.
- Both are resident of Village Chaukhara, P.S. Kopa, Dist. Saran at
Chapra at present address Singhai P.S. Manjhi, Distt. Saran at Chapra.

.... Petitioner/s

Versus

1. State of Bihar.
2. Mira Devi, W/o Gauri Shanker Ram, Resident of Village Bhajoura, P.S.
Manjhi, Dist. Saran at Chapra.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar
For the Opposite Party/s : Mr. L.K.Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 17-06-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Section 323, 354, 379, 424 of the Indian Penal Code and that there is a previous litigation in the form of Title Suit No. 8 of 2012 pending in the court of civil court at Chapra between the parties for the same piece of land, Plot No. 1473, in respect of which the present complaint case has been filed after more than one year of the filing of the title suit by the wife of the petitioner no.1 and that offence of Section 354 of the Indian Penal Code is hardly made out, this Court would find the petitioners, having no criminal antecedent, entitled for grant of privilege of anticipatory bail.



That being so, if the petitioners, namely, Jagmohan Singh and Muna Singh 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 Sri S.D. Bharti, Judicial Magistrate, Saran at Chapra in connection with Complaint Case No. 526 of 2013 (T.R. No. 3800 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 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.
- (ii) 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.
- (ii) 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.
- (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 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.

(Mihir Kumar Jha, J)

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