

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18961 of 2015

Arising Out of PS.Case No. -80 Year- 2014 Thana -BITHAN BAZAR District- SAMASTIPUR

Chandeshwari Yadav Son of Late Ram Bahadur Yadav Resident of village
- Sihma, P.S. Bithan, District - Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amitabh Bhardwaj

For the Opposite Party/s : Mr. Sadanand Paswan(Spl.Pp)

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 for offence under Section 341, 323, 307, 504 of the Indian Penal Code and Section 3(X) of the SC/ST Act and through there is an allegation of assault by the petitioner on the wife of the informant but then there is also a counter blast version of the same occurrence wherein the petitioner is said to have received similar injury on his nose, this Court, keeping in view that the whole incident has taken place on account of land dispute between the parties, would find that the petitioner, claiming to have no criminal antecedent, to be entitled for grant of privilege of anticipatory bail.

That being so, if the petitioner, namely, Chandeshwari Yadav 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 Judicial Magistrate, 1st Class, Rosera, Samastipur in connection with Bithan P.S. Case No. 80 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 court below shall make verification of criminal antecedent of the petitioner 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.
- (iii) 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.
- (iv) 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.

(v) 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.

(Mihir Kumar Jha, J)

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