

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30229 of 2014

Arising out of PS.Case No. -347 Year- 2013 Thana -ARA NAGAR District- BHOJPUR

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1. Jitendra Kumar Singh, Son of Janak Singh, Resident of Village - Jagdeo Nagar Anaith, P.S.-Ara Nawada, Dist.-Bhojpur
2. Amandeep Kumar Singh @ Mandeep Kumar
3. Chandan Kumar Both Sons of Harendra Singh Both of Resident of Village - Narbirpur, P.S. - Chandi, Dist.-Bhojpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate.

For the Opposite Party/s : Mrs. Nirmala Kumari (APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 14-01-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners, while this Court is inclined to grant anticipatory bail to the petitioner nos. 2 and 3, the sons-in-law of the family, but then the same privilege cannot be given to the petitioner no.1 facing allegation of offence under Sections 341, 323, 324, 307, 504/34 of the Indian Penal Code, keeping in view the injury report and the injury allegedly caused on his own brother by the petitioner no. 1 along with his father. As a matter of fact, the father of petitioner no. 1 was also granted regular bail after remaining in custody for a period of two months and therefore, the petitioner no. 1 cannot get any better treatment.



That being so, this application is disposed of while rejecting the prayer for anticipatory bail of petitioner no.1, but as noted above, the petitioner no. 2 and 3 namely Amandeep Kumar Singh @ Mandeep Kumar and Chandan Kumar, in case, they would surrender within a period of four weeks from today, they shall be released on bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur Arrah in connection with Ara Town P.S.Case No. 347 of 2013, subject to the following five conditions:

- (i) That both of the bailors will be the close relatives 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 affidavit shall clearly state that the petitioners are not 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 give an undertaking that they will receive the police papers on the given date and be present on the date fixed for charge and if they fail to do so on two given dates and delay the trial in any manner, their bail will be liable to be cancelled for reasons 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.

(Mihir Kumar Jha, J)

Sujit/-

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