

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21353 of 2015

Arising Out of PS.Case No. -1423 Year- 2012 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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1. Sukhari Singh S/o Late Daroga Singh
 2. Sunil Singh S/o Ram Bilas Singh
- Both residents of village - Jasauli Patti, P.S. - Kotwa, District - East Champaran.

..... Petitioner/s
Versus

1. The State of Bihar.
2. Pitambar Sah S/o Banaras Sah Resident of Village - Kuria, P.S. - Pipra, District - East Champaran.

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Yadav
For the Opposite Party/s : Mr. S.D.Singh Yadav(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 20-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Section 406, 379, 323/34 of the Indian Penal Code and that there is no written document and/or proof of entrusting Rs. 1,50,000/- to the petitioner by the opposite party no.2, this Court, having regard to the admitted position that such money was allegedly given in the year 2008 and the complaint has been filed in the year 2012, would find that complainant opposite party no.2 more or less had sought to raise a civil dispute which was capable of being sorted out by way of money suit. Thus, the petitioners, who have got no criminal antecedent, will be entitled for grant of



privilege of anticipatory bail. In that view of the matter, if the petitioners, namely, Sukhari Singh and Sunil Singh would 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 Sub-Divisional Judicial Magistrate, Sadar, Motihari, East Champaran in connection with Complaint Case No. 1423(C)/2012 (Trial No. 1499 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 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 and would be taken into custody.
- (ii) 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.
- (iii) 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.

- (iv) 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.
- (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)

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