

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1874 of 2015

Arising Out of PS.Case No. -254 Year- 2014 Thana -BALIA District- BEGUSARAI

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1. Bittu Rai, Son of Sri Bipin Rai
2. Mukesh Sah @ Mukesh Sao, Son of Aghan Sah Both residents of village
- Shadipur Diyara, P.S. Ballia, Distt. Begusarai.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mrs. Anita Kumari, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 06-05-2015 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in connection with Ballia P.S. Case No. 254 of 2014 registered for the offences punishable under Sections 147, 148, 332, 337, 338, 307, 379, 504, 353 and 427 of the Indian Penal Code.

Considering the nature of allegation and also fair antecedent of the petitioners as well as the accusations, which are omnibus and general, let the above named petitioners be released on anticipatory bail in the event of their arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order on furnishing bail bond of Rs. 5,000/- (five thousand) each with two sureties of the like amount each or any other sureties to be fixed by the court concerned to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Ballia P.S. Case No. 254 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C. with further following

conditions:

(i) That one of the bailors will be a close relative of the Petitioners who will give an affidavit giving genealogy as to how he is related with the Petitioners. The bailor 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 will not be released on bail. (iii) That the bailor shall also state on affidavit that he 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 date fixed for charge and if they fail to do so on two given dates and delays 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 date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

It may be noted that on similar allegations three persons have been granted anticipatory bail in Cr. Misc. No. 15386 of 2015 vide order dated 15.04.2015 and in Cr. Misc. No. 1662 of 2015 vide order dated 16.01.2015.

(Nilu Agrawal, J.)

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