

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23182 of 2015

Arising Out of PS.Case No. -10 Year- 2015 Thana -SALKHUA District- SAHARSA

Ashok Mehta Son of Guneshwar Mehta resident of Village Tarha P.s
Salkhua(Banma Itahari O.P) District Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 21-08-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for offence under Sections 149, 427, 504 and 506 of the Indian Penal Code and Sections 3(1) (ix) & 3(2) (iii) (iv)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and that the allegation against the petitioner of putting the house of the informant on fire, does not get at least substantiated from the objective finding of the investigating officer at the place of occurrence, this Court, keeping in view that there is also a counter blast version as well as the petitioner has no criminal antecedent, would find him entitled for grant of privilege of anticipatory bail.

That being so, if the petitioner, namely, Ashok Mehta 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/- with two sureties of the like amount each to the satisfaction of

the learned Judicial Magistrate, Ist Class, Saharsa in connection with Salkhua P.S.Case No. 10 of 2015; subject to the following conditions:

- (i) That both the bailors will be close family relatives 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 affidavit shall clearly state that the petitioner is not accused in any other case and if he is, he shall not be released on bail.
- (iii) 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 his bail on the ground of misuse.
- (iv) 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)

Sujit/-

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