

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30263 of 2014

Arising Out of PS.Case No. -109 Year- 2012 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

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Manish Kumar @ Manish Pandey s/o late Srikant Pandey r/o village -
Baruraj, P.S. - Baruraj, District - Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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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 petitioner for the offences punishable under Sections-363 and 366 of the Indian Penal Code, this Court on perusal of the materials on record finds that not only the petitioner is not named as an accused in the First Information Report but his implication is also based on mere suspicion because his wife Minakshi Kumari @ Pinki Kumari was the named co-accused. Added to it when the petitioner has also got no criminal antecedent he would be entitled for the privilege of anticipatory bail provided that he would surrender before the Court below within a period of four weeks

from today.

That being so, if the petitioner, namely, Manish Kumar @ Manish Pandey surrenders 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 **Chief Judicial Magistrate, Muzaffarpur** in connection with **Sadar P.S. Case No. 109 of 2012** subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That both the bailors will be a close relative of the petitioner who will give 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 bailor shall also state on affidavit that he 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.

(iii) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(iv) That the petitioner will be well represented on each and every date 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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