

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24718 of 2015

Arising Out of PS.Case No. -144 Year- 2013 Thana -MUSRIGHARARI District- SAMASTIPUR
=====

1. Ramprit Singh Son of Late Ram Swarup Singh
2. Sujeet Kumar Singh @ Sujeet Kumar Son of Ramprit Singh
Both residents of Village - Mahisi, P.S. - Bibhutipur, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv

For the Opposite Party/s : Mrs. Meena Singh (App)
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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 24-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for the offences punishable under Sections-302 and 201 of the Indian Penal Code and the fact that the petitioners were not named either in the FIR or even in the earlier version of Rama Nand Singh, the brother of the deceased, their (petitioners) being subsequently named in the statement of aforesaid Rama Nand Singh recorded under Section-164 of Cr.P.C after eight days of the lodging of the FIR can not stand in their way in getting the privilege of anticipatory bail specially when even in the statement recorded under



Section-164 Cr.P.C, the direct allegation is again confined only again one Upendra Kumar the brother-in-law of the informant. Thus, the petitioners having no criminal antecedent and also as there is nothing in the case diary to show their direct involvement in the alleged offence, they would be entitled for grant of privilege of anticipatory bail.

In that view of the matter, if the **petitioner no.1, Ramprit Singh and petitioner no. 2, Sujeet Kumar Singh**, surrender within a period of four weeks from today, they would 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 **Judicial Magistrate, 1st Class, Samastipur** in connection with **Musari Gharari P.S. Case No. 144 of 2013**, subject to the conditions laid down under Section-438 (2) Cr. P.C and also subject to the 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 close relative of the petitioners who will give 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 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 their 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 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 and every date 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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