

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30689 of 2014

Arising Out of PS.Case No. -63 Year- 2008 Thana -ARWAL District- JEHANABAD

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Brajesh Kumar Son of Ramkali Singh resident of village - Kinzar, P.S.
Kinzar, District - Arwal

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pancham Lal Jaiswal
Mr. Ashok Kumar

For the Opposite Party/s : Mrs. Anusaiya Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 14-01-2015

Heard the parties.

The petitioner apprehends his arrest in a criminal prosecution registered under Section 302/34 of the Indian Penal Code as also under Section 27 of the Arms Act.

Learned counsel appearing on behalf of the petitioner submits that though the petitioner is also one of the named accused in the F.I.R. vide Annexure-2, but on close of investigation police submitted final report as per Annexure-4 on 03.06.2009 showing him to be innocent and he was not charge-sheeted. However, learned Magistrate, on the basis of protest petition filed by the informant, has taken cognizance of the offence and has issued process against him also. It is further pointed out that though the prayer for anticipatory bail was earlier rejected by a Bench of this Court by order dated 03.03.2010 passed in Cr. Misc. No. 42241 of 2009 (Annexure-1), but at that time the facts regarding submission of final report was not brought to the notice of the Hon'ble Judge. It is also pointed out that the same Bench granted anticipatory bail to co-accused

Rajesh Kumar by order dated 20.05.2009 passed in Cr. Misc. No. 13815 of 2009 (Annexure-6).

Taking into consideration the aforesaid aspects particularly the fact that on close of investigation, final report was submitted against the petitioner vide Annexure-4, the prayer for anticipatory bail is allowed.

In the event of his arrest or surrender in the court below within a period of four weeks from today, the above named petitioner shall be enlarged on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad in connection with Arwal P.S. Case No. 63 of 2008, subject to the condition as laid down under Section 438(2) of the Cr. P. C. and subject to further conditions that:

- (A) One of the bailors must be government servant,
- (B) Other bailor shall be a family member or close relation of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (C) if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/ prosecution shall be at liberty to file a petition for cancellation of the bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned and
- (D) the petitioner shall make regular pairvi in the court below in the present case either by appearing

himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioner.

(Birendra Prasad Verma, J)

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