

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30708 of 2014

Arising Out of PS.Case No. -183 Year- 2013 Thana -BHAGWANPUR District-
VAISHALI(HAJIPUR)

Ashutosh Choudhary @ Ashutosh Kumar Choudhary, Son of Late
Lakhindra Choudhary, Resident of Village :- Rajapur, P.S.-Simri, Dist.-
Buxar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Sunil Kumar Pandey, Addl.P.P.

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 for offences under Section 302/34 of the Indian Penal Code as also under Section 27 of the Arms Act.

It is submitted that there is a case and counter case from both the sides, vide Annexures-1 and 2 respectively. It is further submitted that so far this petitioner is concerned, there is no direct allegation of assault by him to the deceased person and he is said to be the member of the mob.

Be that as it may, in the facts and circumstances of the case, the prayer for anticipatory bail of the petitioner is allowed. In the event of his arrest or surrender in the court below within a period of four weeks from today, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 183 of 2013, 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 or close family members of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (B) 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 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;
- (C) 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 date, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

Arvind/-

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