

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25261 of 2015

Arising Out of PS.Case No. -42 Year- 2015 Thana -PUPRI District- SITAMARHI

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1. Shankar Thakur son of Bhola Thakur
2. Amresh Chaudhary, son of Yug Paltan Chaudhary
3. Rajesh Thakur, son of Lal Babu Thakur
4. Lal Babu Thakur son of Sita Ram Thakur
5. Sushil Thakur, son of Shyam Thakur,
All resident of village- Yadupatti, P.S.- Pupri, District- Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv

For the Opposite Party/s : Mrs. Rita Verma (APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 26-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for the offences punishable under Sections-341, 323, 324, 307, 379, 504, 506, 448, 427, 435/34 of the Indian Penal Code and the specific assertion by the learned counsel for the petitioner that the alleged injuries on the head of Rajesh Thakur, Amit Mishra by farsa caused by Ram Lakhan Mandal and Shankar Mandal is not substantiated, inasmuch as, the case diary despite being called by the learned District



and Sessions Judge on three occasions was not produced, this Court would direct that if the petitioners namely, **Shankar Thakur, Amresh Chaudhary, Rajesh Thakur, Lal Babu thakur and Sushil Thakur,** surrender within a period of four weeks from today, they would be released on provisional bail for a period of one month on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of **Sub-Divisional Judicial Magistrate, Pupri at Sitamarhi** in connection with **Pupri P.S. Case No. 42 of 2015,** 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.

In this period of one month, the Court below shall get the case diary and/or injury reports and if it is found that there is no injury on the person of Rajesh

Thakur and Amit Mishra as well as the informant, the abovenamed petitioners’ provisional bail shall be confirmed, but on the other hand, if injuries are found on the person of the informant, the provisional bail of the petitioners shall not be extended and they would be taken into custody whereafter they would make prayer for regular bail.

(Mihir Kumar Jha, J)

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