

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25298 of 2015

Arising Out of PS.Case No. -51 Year- 2015 Thana -MAIRWA District- SIWAN

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1. Prabhakar Mishra S/o Shashi Bhushan Mishra, resident of village-
Dharnichapar, PS Mairwa, District- Siwan
2. Shankar Yati, S/o Umesh Yati resident of village- Tali Mathia, P.S.
Bankatha, District- Deoria, UP

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanat Kumar Mishra

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.P.P.)

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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 for offence under sections 323, 325, 341, 379, 504/34 of the Indian Penal Code and section 3(i)(x) of the SC/ST Act, when this Court would find that the story of the informant is not capable of being verified from anyone else, inasmuch as such incident had taken place in a lonely place and that the injury report has already been prepared even before lodging of the F.I.R., this Court keeping in view that the petitioners also have got no criminal antecedent would be inclined to grant privilege of anticipatory bail.

That being so, if the petitioners, Prabhakar Mishra and Shankar Yati, surrender before the court below within a period of four weeks from today, they shall 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 the Chief Judicial Magistrate, Siwan in Mairwa P.S.Case No. 51/2015, 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.

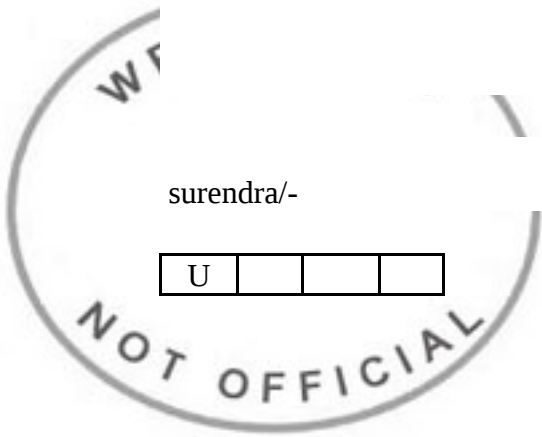
(ii) That both the bailors will be close relative of the petitioners who will give an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the Court if there is any change in the address of the petitioners.

(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 delay 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)