

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36954 of 2014

Arising Out of PS.Case No. -442 Year- 2013 Thana -BANKA District- BANKA

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1. Sukhdeo Pandit Son of Late Khautar Pandit
 2. Tulsi Pandit @ Tusharabrit Tulsi, Son of Sukhdeo Pandit
 3. Chhotu Pandit @ Chhotu Kumar Son of Sukhdeo Pandit
 4. Harish Pandit @ Prahlad Pandit Son of Sukhdeo Pandit
- All are residents of Village - Karhariya, P.S. - Banka, District - Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma, Advocate.

For the Opposite Party/s : Mr. C. Sen Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 09-04-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for offence under Sections 307, 323, 341, 379, 504/34 of the Indian Penal Code and the fact that the petitioners have got no criminal antecedent and had been sought to be implicated in the present case, which is again an outburst of an earlier case filed by the petitioners themselves, in which three persons were injured out of which one of them have grievous injury, this Court, by taking into account the nature of simple injury on the part of the prosecution party as also the initial reaction of the police that no offence under Section 307 of the Indian Penal Code is made out against the petitioners, would find the petitioners to be enlarged

on anticipatory bail.

That being so, if the petitioner nos. 1 to 4, namely, Sukhdeo Pandit, Tulsi Pandit @ Tusharabrit Tulsi, Chhotu Pandit @ Chhotu Kumar and Harish Pandit @ Prahlad Pandit respectively 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/- each with two sureties of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Banka P.S.Case No. 442 of 2013 subject to the following conditions:

- (i) That both the bailors will be close family relatives of the petitioners, who will undertake 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 addresses of the petitioners.
- (ii) That the affidavit shall clearly state that the petitioners are not accused in any other case and if they are, they shall not be released on bail.
- (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 be well represented on each and every date in course 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)

Sujit/-

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