

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36243 of 2014

Arising Out of PS.Case No. -26 Year- 2012 Thana -WARSALIGANJ District- NAWADA

1. Gorelal Chauhan S/O Shri Nandu Chauhan
2. Nandu Chauhan S/O Late Mahegu Chauhan
Both residents of Village- Bhelwa, P.S.- Warsaliganj, District-Nawada
.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhu Prasun
Mr. Tarun Shekhar

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 11-02-2015

Heard the parties.

The petitioners apprehend their arrest in a criminal prosecution, based on a complaint petition, registered for offences under Sections 364/120B/34 of the Indian Penal Code.

It is submitted that the occurrence in question is said to have taken place in the year 2009 with respect to alleged kidnapping of the son of the complainant, but the complaint petition was filed after long delay of about two years on 23.2.2011, whereafter the present F.I.R. (Annexure-1) was registered on 16.02.2012. It is further submitted that during the course of investigation the independent witnesses have not supported the prosecution version.

Taking into consideration the aforesaid aspects, the prayer for anticipatory bail is allowed. In the event of their arrest or surrender in the court below within a period of four weeks from today, the above named petitioners shall be enlarged on bail on furnishing bail bond of Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial

Magistrate, Nawada in connection with Warsaliganj P.S. Case No. 26 of 2012, 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 petitioners, who will file an affidavit in the court below showing his/her relationship with the petitioners,
- (B) if the petitioners are 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 petitioners, and if such a petition is filed, then the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned and
- (C) the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every dates, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel their bail bonds.

(Birendra Prasad Verma, J)

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