

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36910 of 2014

Arising out of P.S.Case No. -26 Year- 2014 Thana -JAGDISHPUR District- BHAGALPUR

Subham Kumar @ Shivam Kumar Raw, Son of Narayan Prakash Raw @
Kanchan Kumar, the resident of Village /Mohalla-Katghar, P.S.-
Jagdishpur, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Ram Sumiran Rai (App)

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 petitioner for offence under Section 394 of the Indian Penal Code and the fact that the petitioner has no criminal antecedent and in fact, his implication in this case even after being not named in the F.I.R. is based merely on confession of co-accused of Md. Imran to whom also the petitioner at best is an informer and that the occurrence was committed by three other co-accused persons riding motorcycle including Md. Imran, this Court would be inclined to grant privilege of anticipatory bail to the petitioner.

That being so, if the petitioner, namely, Subham Kumar @ Shivam Kumar Raw, surrenders within a period of four weeks from today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Jagdishpur P.S. Case No. 26 of 2014, subject to the following

conditions:

- (i) That both the bailors will be close family relatives of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the affidavit shall clearly state that the petitioner is not accused in any other case and if he is, he shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of his bail on the ground of misuse.
- (iv) That the petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

Sujit/-

(Mihir Kumar Jha, J)

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