

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4301 of 2015

Arising Out of PS.Case No. -304 Year- 2014 Thana -MOTIPUR District- MUZAFFARPUR

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Jai Prakash Rai S/o Late Ramchandra Rai R/o Village - Kodarkatta
Purantola, P.S. Motipur, Distt - Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Jyotsna Rani Mishra

For the Opposite Party/s : Mr. Ram Sewak Choudhary(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 02-07-2015

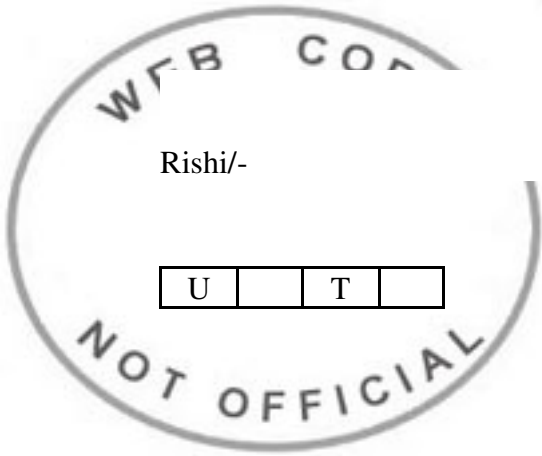
Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for offence under Section 302/34 of the Indian Penal Code and that the case of the informant even if believed at its face value would only amount to a hearsay version with regard to the involvement of the petitioner, this Court, keeping in view that the petitioner has got no criminal antecedent, would direct that if the petitioner, namely, Jai Prakash Rai surrenders before the court below within a period of four weeks from today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate (West), Muzaffarpur in connection with Motipur P.S. Case No. 304 of

2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

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- (i) That the court below shall make verification of criminal antecedent of the petitioner and if it is found that he is accused in any other criminal case, he shall not be granted bail and would be taken into custody.
 - (ii) That both the bailors will be a close relative 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.
 - (iii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is, he shall not be released on bail.
 - (iv) 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 bail on the ground of misuse.
 - (v) 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.



(Mihir Kumar Jha, J)