

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37179 of 2014

Arising Out of PS.Case No. -394 Year- 2014 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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Bishnu Kumar Sharma son of Radhey Shyam Sharma, resident of Poddar Lane, Marwari Tola, Sujaganj, P.S. Kotwali, District Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.38096 of 2014

Arising Out of PS.Case No. -394 Year- 2014 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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Pradeep Kumar Kishorpuria S/o late Puran Mal Kishorpuria R/o Ramchandra Poddar Lane, Marwari Tola Lane, Sujaganj, P.S. - Kotwali, Town AND District - Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.37179 of 2014)

For the Petitioner/s : Mr. Awadhesh Kumar Pandey, Adv

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

(In Cr.Misc. No.38096 of 2014)

For the Petitioner/s : Mr. Gautam Kejriwal, Adv

For the Opposite Party/s : Mr. R.B.S Pahepuri, APP

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 27-02-2015 Heard learned counsel for the parties.

This is a land dispute between the informant and the petitioners Bishnu Kumar Sharma and Pradeep Kumar Kishorpuria, which has led to institution of the



present criminal case for the offences punishable under Sections-420, 467, 468, 471, 504, 506, 354 and 34 of the Indian Penal Code and the fact that a title suit is already pending between the parties, this Court in absence of allegation of any specific over act against both the petitioners namely, Bishnu Kumar Sharma and Pradeep Kumar Kishorpuria, so far it relates to even offence under Section-354 of the Indian Penal Code would direct that if Bishnu Kumar Sharma and Pradeep Kumar Kishorpuria would surrender within a period of four weeks from today, they would 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 **C.J.M., Bhagalpur** in connection with **Kotwali P.S. Case No. 394 of 2014** subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

- (i) The petitioners shall give an undertaking that they would not in any way disturb the



informant physically and if there be any proof of such physical misbehaviour against the petitioners in future in that event the Court below shall be at liberty to cancel their bail.

(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 bail on the ground of their 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 delays 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.

Ranjan/-

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(Mihir Kumar Jha, J)