

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39543 of 2014

Arising Out of PS.Case No. -96 Year- 2013 Thana -BHAIRABASHTHAN District- MADHUBANI

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Prem Ram @ Prem Kumar Ram Son of Sri Bausan Ram Resident of Village
- Lalganj, P.S. -Bhairab Asthan, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Jitendra Kumar Rai 1 (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 20-08-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Section 302, 201/34 of the Indian Penal Code and the admitted position that the police ultimately could file charge-sheet only under Section 306, 201/34 of the Indian Penal Code in which the co-accused, namely, Laxmi Ram has finally been acquitted, this Court, taking into account that the petitioner is the brother-in-law (Vaisur) and thus having separate mess and business, , this Court would find the petitioner to be entitled for grant of privilege of anticipatory bail.

That being so, if the petitioner, namely, Prem Ram @ Prem Kumar Ram 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 Additional Chief Judicial Magistrate, Jhanjharpur, Madhubani in connection with Bhairab Asthan P.S. Case No. 96 of

2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) 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.
- (ii) 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.
- (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 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.

(Mihir Kumar Jha, J)

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