

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38464 of 2014

Arising Out of PS.Case No. -57 Year- 2014 Thana -SARE District- NALANDA (BIHARSHARIFF)

Bipin Kumar, son of late Lalu Singh, resident of Village - Bahadurpur, P.S.
- Sare, District - Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur
Mr. Amit Kumar

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 27-03-2015

Heard.

The petitioner apprehends his arrest in a criminal prosecution registered under Sections 353, 332 and some other minor or bailable offences under the Indian Penal Code.

Taking into consideration the fact that, though the petitioner is named in the FIR vide Annexure-1 as an accused, but the allegation of hurling abuses and assault is general and omnibus in nature against the large number of villagers including the petitioner and further taking into consideration the fact that the petitioner is said to be the first offender, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of anticipatory bail. Accordingly, his prayer for anticipatory bail is allowed subject to verification of his criminal antecedent.

In the event of his arrest or surrender in the court below within a period of four weeks from today, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Nalanda in connection with Sare P.S. Case No. 57 of 2014 provisionally for a

reasonable time and on verification, if it is found that he is not an accused in any other criminal case excepting the present one, then bail so granted shall be confirmed. However, if it is found that he is an accused in some other criminal case also excepting the present one, then he shall be taken into custody and in that case he shall apply for regular bail. However, bail so granted to the petitioner shall be subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and subject to further conditions that:

- (A) One of the bailors shall be a government servant
- (B) the other bailor shall be either his family member or close relation, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (C) if the petitioner is 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 bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;
- (D) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every date, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

Arvind/-

(Birendra Prasad Verma, J)

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