

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43656 of 2014

Arising Out of PS.Case No. -8 Year- 2014 Thana -SC/ST District- SITAMARHI

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1. Chitranjan Giri Son of Late Ramchandra Giri
2. Chhotu Giri Son of Chitranjan Giri
3. Prince Giri Son of Chitranjan Giri
All R/o - Village - Maheshpur, P.s. - Belsand, Distt. - Sitamarhi
..... Petitioners

Versus

The State of Bihar

..... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Ambika Bhagat(Spl.Pp)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 07-05-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under sections 341, 323, 504, 354, 436/34 of the Indian Penal Code and section 3(1)(X) of the S.C./ S.T.Act while this Court was not inclined to grant privilege of anticipatory bail to the petitioners keeping in view the overt act alleged against them but then this Court by taking into account that the subsequent events have taken place as stated in paragraphs no. 14 and 15 of the bail application, which reads as follows:

“14. That it is stated that ultimately the informant succeeded in her game to make undue pressure upon the petitioners by filing the present case and ultimately the petitioners bowed down before the informant and executed a deed in favour of the informant on 8.9.2014 and gave possession of the land.

15. That it is stated on intervention of well wishers of both parties good senses has been prevailed between both the parties and the matter has been compromised outside the court and according a compromise petition along with permission petition has been filed in the court of learned Sessions Judge, Sitamarhi wherein it has been mentioned that there is no dispute between the parties and both the parties are not ready to fight the case.”

and that the petitioners have also got no criminal antecedent, this Court would be inclined to grant privilege of anticipatory bail to the petitioners.

That being so, if the petitioners, namely, Chitranjan Giri, Chhotu Giri and Prince Giri, surrender in the court below within a period of four weeks from today, they shall 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 the Addl. Chief Judicial Magistrate, Sitamarhi in Sitamarhi S.C./S.T. Case No. 8/2014, subject the following conditions:

(i) That both the bailors will be a 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.

(ii) That the bailor shall also state on affidavit that

he 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 misuse.

(iii) 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 delay the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(iv) 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.

surendra/-

(Mihir Kumar Jha, J)

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