

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45054 of 2014

Arising Out of PS.Case No. -383 Year- 2012 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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Chandan Kumar son of Madan Mohan Panjiyar, Residing at Mohalla- Benta
Chowk, Laheraisari, P.S.- Laheraisaria, District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Sumit Kumar, S/o late Ratandeo Sah, Residing at Mahavir Chowk,
Ward No.14, P.S. Rosera, Dist. Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Jha

For the Opposite Party/s : Ms. Rita Verma (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 07-05-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Section 364/420//342/500/504 of the Indian Penal Code and Section 27 of the Arms Act in a complaint case and that the learned Magistrate has ultimately taken cognizance against the petitioner only for offence under 417/406 of the Indian Penal Code and that there was earlier a case lodged by the complainant against the petitioner in the same subject matter being Laheraisarai P.S. Case No. 452 of 2011, this Court, having regard to the delay of around twenty days in filing of the complaint, is inclined to grant privilege of anticipatory bail to the petitioner.

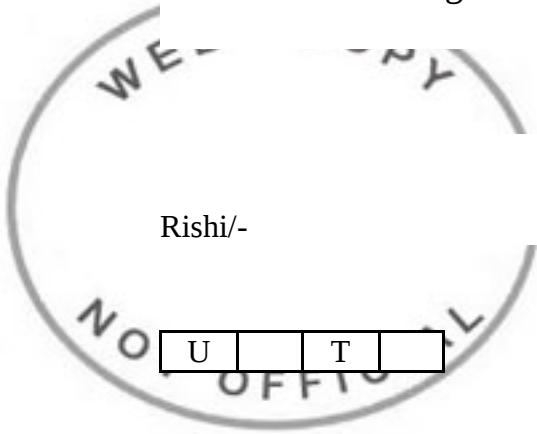
That being so, if the petitioner, namely, Chandan Kumar surrenders before the court below within a period of four



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, Rosera, Samastipur in connection with T.R. No. 1905 of 2014 arising out of C.R. Case No. 383 of 2012, 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)