

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47175 of 2014

Arising Out of PS.Case No. -1993 Year- 2009 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Shyam Sundar Gupta, Son of Sri Yogendra Prasad Sah, resident of Village-
Rasulpur Kaba, P.S.- Baligaon, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Advocate.

For the Opposite Party/s: Mr. B.Ram(APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 14-05-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for offence under Sections 376/511 of the Indian Penal Code and that the petitioner is the brother-in-law (Devar) of the complainant, who surprisingly claims that such heinous offence to have committed by the petitioner in presence of his brother, the husband of the complainant, and the fact that that there is counter version of the petitioner in form of other complaint case, which suggests that the whole incident had taken place on account of a dispute of land, this Court, taking into account that the petitioner has also got no criminal antecedent, would grant privilege of anticipatory bail to the petitioner.

That being so, if the petitioner, namely, Shyam Sundar Gupta, 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/- with two sureties of the like amount to the satisfaction of the learned Chief Judicial

Magistrate, Vaishali at Hajipur in connection with Complaint Case No. 1993 of 2009 Tr. No. 6307 of 2013, subject to the following conditions:

- (i) That both the bailors will be close family relatives 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 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 his 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)

Sujit/-

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