

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40131 of 2015

Arising Out of PS.Case No. -81 Year- 2015 Thana -BIKRAM District- PATNA

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1. Pramod Kumar Son of Late Jagnarayan Yadav @ Jaga Yadav
2. Rakesh Kumar Son of Suresh Yadav
Both residents of village - Karsa Kothi, P.S. Bikram, District - Patna
..... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s
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Appearance :

For the Petitioner/s : Ms. Soni Shrivastava, Adv.

For the Opposite Party/s : Mr. Sanjay Kr. Sharma (APP)
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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 30-09-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 341, 323, 354, 379, 504 & 34 of the Indian Penal Code and the fact that not only the petitioners have got no criminal antecedent but in fact there is another version of the same occurrence in which there is also an allegation of assault leading to fracture injury, this Court would be inclined to grant privilege of anticipatory bail to the both the petitioners.

That being so, if the petitioners, namely, Pramod Kumar and Rakesh Kumar would surrender before 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 Shri Randhir Kumar, Judicial Magistrate, 1st Class, Danapur in connection with Bikram P.S. Case No. 81 of 2015, 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 petitioners, who will undertake 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 affidavit shall clearly state that the petitioners are not an accused in any other case and if they are, they shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they 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.
- (iv) That the petitioners will be well represented on each and every date in course 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.

Rishi/-

(Mihir Kumar Jha, J)

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