

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40120 of 2015

Arising Out of PS.Case No. -17 Year- 2015 Thana -KAHALGAON District- BHAGALPUR

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Rupesh Yadav Son of Gopi Yadav Resident of village - Sadhupur, P.S.
Ghogha, District - Bhagalpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Dilip Kumar (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 147, 148, 149, 307, 427 of the Indian Penal Code and section 27 of the Arms Act this Court by taking into account the submission of learned counsel for the petitioner that the petitioner has got no criminal antecedent and that the alleged indiscriminate shooting on the car of the informant also has not been found to be substantiated in course of investigation, would direct the petitioner, namely, Rupesh Yadav, to surrender before the court below within a period of four weeks from today and if he does so, the court below shall make verification of the aforesaid two aspects from the case diary, namely:-

- (i) Whether the petitioner has got any criminal history?
- (ii) Whether the police had found any trace of firing on

Nano Car?



If the court below on such verification does not find any materials against the petitioner, as existing on the date of this order, the petitioner, namely, Rupesh Yadav, 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 Sri Anwar Shamim, Judicial Magistrate, 1st Class, Bhagalpur in Kahalgaon (Ghogha) P.S.Case No. 17/2015, on bail on the following conditions:

(i) That both the bailors will be a close relative of the petitioner who will give 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 bailor shall also state on affidavit that he 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.

(iii) That the petitioner will give an undertaking that he will receive the police papers on the given date and be

present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(iv) That the petitioner will be well represented on each and every date 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.

surendra/-

(Mihir Kumar Jha, J)

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