

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46986 of 2014

Arising Out of PS.Case No. -295 Year- 2012 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Takadeer Vairasiya @ Takadeer Prasad @ Takadeer Vairasiya (Marwari)
S/o Late Ram Kishun Vairasiya (Marwari) R/o Mohalla Pakistani Tola
Bagaha Bazar, P.S. Bagaha, District West Champaran.
2. Nanhe Mishra S/o Bhatuman Mishra R/o Village Shastri Nagar, P.S.
Bagaha, District West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Advocate.

For the Opposite Party/s : Mr. Harendra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 23-04-2015

Heard learned counsel for the parties.

Having regard to the nature of allegations against the petitioners for offence under Sections 406 and 420 of the Indian Penal Code as also the fact that the allegation against the petitioners of cheating the complainant in course of supply of a Tractor, was made after almost three years of the alleged occurrence and that the nature of entire complaints is in form of a civil dispute, this Court, keeping in view that the petitioners have got no criminal antecedent, would direct that if the petitioners namely, Takadeer Vairasiya @ Takadeer Prasad @ Takadeer Vairasiya (Marwari) and Nanhe Mishra, 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/- each with two sureties of the like amount to the satisfaction of the learned Judicial Magistrate, Ist Class, Bagaha, District- West Champaran in connection with Tr. No. 4976/2014 arising out of Complaint case NO. 295C/2012, subject to the following conditions:

- (i) That both the bailors will be close family relatives 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 addresses of the petitioners.
- (ii) That the affidavit shall clearly state that the petitioners are not 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 their 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.

(Mihir Kumar Jha, J)

Sujit/-

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