

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45932 of 2015

Arising Out of PS.Case No. -65 Year- 2015 Thana -MANER District- PATNA

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1. Som Nath Rai son of Jhukan Rai resident of Lodipur, P.S. Maner, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Adv

For the Opposite Party/s : Mr. Asha Devi (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 02-11-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offences punishable under Section 47(a) of the Excise Act and Sections-272, 273, 290 of the Indian Penal Code and that this is the first case lodged against the petitioner under Excise Act, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

That being so, if the petitioner namely, **Som Nath Rai** surrenders within a period of four weeks from today, he would 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 **J.M. 1st Class, Danapur, Patna** in connection with **Maner P.S. Case No. 65 of 2015**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That the court below shall make verification of criminal antecedent of the petitioner that whether the petitioner is accused in any other case under Excise Act, and if it is found that he is accused in any other case registered under Excise Act, he shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be 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.

(iii) That the bailor 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 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.

(v) 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.

(Mihir Kumar Jha, J)

Ranjan/-

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