

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49528 of 2014

Arising Out of Complaint Case No. -3080 Year- 2008 District- MUZAFFARPUR

1. Parmanand Thakur
2. Sachidanand Thakur
3. Vidyanand Thakur All Sons of Kailash Prasad Thakur
4. Aswani Kumar Thakur Son of Surendra Prasad Thakur All Resident of
Village - Ghoshrama, P.S.- Pier, District - Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

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

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 16-07-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under section 302/34 of the Indian Penal Code and that the petitioners were not ascribed any specific overt act in the F.I.R. as well as the police in course of investigation had found no material against the petitioners and had submitted a final form against the petitioners, whereafter on a protest petition filed by the informant, the cognizance has been taken, this Court will not be refusing privilege of anticipatory bail to the petitioners, who have claimed to have no criminal antecedent.

The submission of the learned counsel for the informant that the witnesses in course of investigation before the police had named the petitioners also does not seem to be correct in the sense

that they too like the informant had only claimed to have seen the petitioners fleeing from the place of occurrence.

In that view of the matter, if the petitioners, namely, 1. Parmanand Thakur, 2. Sachidanand Thakur, 3. Vidyanand Thakur and 4. Aswani Kumar Thakur, 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 Sri Sukun Kumar Manjhi, Judicial Magistrate, 1st Class, Muzaffarpur in Complaint Case No. 3080/2008, corresponding to T.R.No. 4228/2014, subject to the following conditions:

(i) That the court below shall make verification of criminal antecedent of the petitioners and if it is found that they are accused in any other criminal case, they shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be a close relative of the petitioners who will give 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.

(iii) That the bailor shall also state on affidavit that he 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 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.

surendra/-

(Mihir Kumar Jha, J)

U			
---	--	--	--