

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46006 of 2015

Arising Out of PS.Case No. -47 Year- 2014 Thana -GOVERNMENT OFFICIAL COMP. District-
SAMASTIPUR

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Baijnath Mukhiya S/o Late Jagdish Mukhiya, resident of village- Bishanpur
Jakhar, P.S.- Rusera, District- Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Sanjay Kr. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 03-11-2015

Heard learned counsel for the parties.

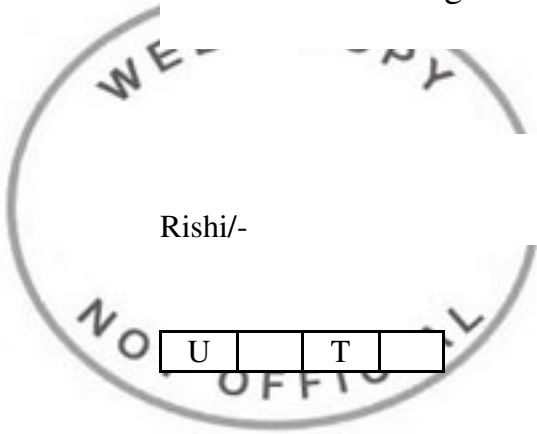
Having regard to the nature of allegation for offence under Sections 47(a) (f) of the Excise Act and the specific assertion of the petitioner that he has never been made accused in any case much less in a case under Excise Act, this Court would find the petitioner entitled for grant of privilege of anticipatory bail.

That being so, if the petitioner, namely, Baijnath Mukhiya surrenders before the court below within a period of four weeks from today, he 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 Additional Chief Judicial Magistrate, Rosera, Samastipur in connection with Excise Case

No. 47 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

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- (i) That both the bailors will be a close relative of the petitioner, who will undertake 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 affidavit shall clearly state that the petitioner is not an accused in any other case and if he is, he shall not be released on bail.
 - (iii) That the court below shall make verification of criminal antecedent of the petitioner and if it is found that he is accused in any other criminal case, he shall not be granted bail and would be taken into custody.
 - (iv) That the bailors 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.
 - (v) That the petitioner will be well represented on each and every date in course 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)