

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45828 of 2015

Arising Out of PS.Case No. -330 Year- 2015 Thana -NAWADA District- NAWADA

- =====
1. Santosh Kumar Son of Shree Munna Singh Resident of Mohalla - Post Mortam Road Nawada, P.S. + District - Nawada
 2. Mukesh Kumar Son of Keshav Kumar Station Road Nawada, P.S. + District - Nawada

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Adv

For the Opposite Party/s : Mrs. Rita Verma (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 30-10-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for the offences punishable under Sections- 304/34 of the Indian Penal Code and the fact that while the Court below has recorded that the name of the petitioner in connection with present case, has emerged on account of their being Director of Deep Clinic in the town of Nawada and that specific defence is being taken by the learned counsel for the petitioners that they have got no connection whatsoever with Deep Clinic, Nawada and in fact they were only living on rent in the part of the



building of said clinic, this Court taking into account that even the two other co-accused were granted regular bail by this Court, this Court would direct that if the petitioners namely Santosh Kumar and Mukesh Kumar surrender within a period of four weeks from today, the Court below shall make verification from the case diary and if it finds that there are materials to show that the petitioners have some sort of interest or concern with Deep Clinic, Nawada, they shall be taken into custody, whereafter they would be entitled to make prayer for regular bail, but on the other hand, if there is nothing in the case diary to connect the petitioners with the Deep Clinic, both the petitioners namely, Santosh Kumar and Mukesh Kumar, would 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 **C.J.M., Nawada** in connection with **Nawada Town P.S. Case No. 330 of 2015**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the

following conditions:-

(i) That both the bailors will be 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.

(ii) 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.

(iii) That the petitioners will give an undertaking that they will receive the police papers on the given date and be present on the date fixed for charge and if they fail to do so on two given dates and delays the trial in any manner, their bail

will be liable to be cancelled for reasons 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.

(Mihir Kumar Jha, J)

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