

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51093 of 2014

Arising Out of PS.Case No. -146 Year- 2013 Thana -CIVIL LINE District- GAYA

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Shiv Shanker Prasad son of Gauri Shanker Prasad, Resident of Mohalla-
Dakhin Darwaza, Sisoria Chaura, Police Station- Civil Lines, District- Gaya
.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

14-05-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offences punishable under Sections-406, 420, 120B and 506 of the Indian Penal Code and that even if such allegation made against the petitioner is taken on its face value, the same would only give rise to a civil dispute relating to specific performance of contract and that the petitioner has got no criminal antecedent, this Court by also taking into account that it was in fact the petitioner who at earlier point of time had filed a complaint case against the complainant and others as with regard to the same sale deed, being Complaint Case No. 2158 of 2012, would find the petitioner entitled for grant of privilege of anticipatory bail.



That being so if the petitioner namely, **Shiv Shanker Prasad**, 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 **C.J.M. Gaya** in connection with **Civil Line Police Station Case No. 146 of 2013**, 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 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.

(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)

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