

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45931 of 2015

Arising Out of PS.Case No. -71 Year- 2015 Thana -KATIHAR MUFFASIL District- KATIHAR

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1. Badrul Doza @ Badrul Razza @ Badruddoza, son of Late Ataur Rahman, resident of Mohalla- Choudhary Mohalla, Police Station and District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Adv
For the Informant : Mr. Pravin Chandra Prasad, Adv
For the Opposite Party/s : Mr. A.L.Pandit (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 Sections-341, 323, 307, 379 and 504 of the Indian Penal Code and the admitted position that prior to this present case there was a Title Suit No. 117 of 2014 pending at the instance of the informant in capacity of Plaintiff No. 2, against the petitioner and others, this Court by taking into account, that the allegation against the petitioner, can at best be said to be order giver, would be inclined to grant the privilege of anticipatory bail to the petitioner keeping in



view that he has also got no criminal antecedent. The submission of learned counsel for the informant that the informant had sustained grievous injuries, in fact can be made applicable, in the case of the persons who have assaulted the informant and not against the petitioner whose false implication cannot be ruled out in view of the pendency of the Title Suit.

That being so, if the petitioner namely, **Badrul Doza @ Badrul Razza @ Badruddoza**, 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 **Chief Judicial Magistrate, Katihar** in connection with **Katihar (Muffassil) P.S. Case No. 71 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

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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