

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45827 of 2015

Arising Out of PS.Case No. -170 Year- 2011 Thana -MURLIGANJ District- MADHEPURA

=====

Kameshwar Yadav @ Baleshwar Yadav Son of Late Chulhay Yadav
Resident of village - Baghra, P.S. Puraini, District - Madhepura

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dr. Sanjay Kumar Singh, Adv

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

=====

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 petitioner, a Panchayat Secretary, along with two other Mukhiyas for the offences punishable under Sections-409, 417, 420, 423/34 of the Indian Penal Code, and he seeks parity for grant of anticipatory bail by relying on an order dated 29.01.2015 in Criminal Miscellaneous No. 34471 of 2013, wherein, the lady Mukhiya, Sushila Devi has been granted privilege of anticipatory bail on payment of Rs. 1 lac, again the same has been followed by this Court in the case of grant of anticipatory bail to Resham Lal Das,



another Mukhiya, by order dated 20.08.2015 in Criminal Miscellaneous No. 35611 of 2015, this Court in order to maintain parity shall also grant privilege of anticipatory bail to the petitioner keeping in view that he is accused in only one more criminal case and that he is also ready to deposit sum of Rs. 1 lac alike the two Mukhiyas.

That being so, if the petitioner namely, **Kameshwar Yadav**, surrenders within a period of four weeks from today, and produces bankdraft of Rs. 1 lac in the name of the Collector of the district, 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., Madhepura** in connection with **Murliganj P.S. Case No. 170 of 2011**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

- (i) The draft showing deposit of sum of Rs. 1 lac shall be immediately handed over to the Collector of Madhepura district and such payment

made by the petitioner, shall abide by the result of the criminal case.

(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)

Ranjan/-

U		T	
---	--	---	--