

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46012 of 2015

Arising Out of PS.Case No. -123 Year- 2015 Thana -BARARI District- KATIHAR

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1. Aklu Chauhan Son of Late Sundar Chauhan
2. Balram Chuahan
3. Vicky Chauhan Both sons of Aklu Chauhan
4. Kriti Devi @ Kirti Devi wife of Aklu Chauhan
All resident of village- Siwana, P.S.- Barari, District- katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad

For the Opposite Party/s : Mr. Veena Kumari Jaiswal (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 03-11-2015

Heard learned counsel for the parties.

At the outset, Mr. Bhola Prasad, learned counsel for the petitioner, that the petitioner no.1 has already been arrested and, as such, he will not be required to press for grant of anticipatory bail of the petitioner no.1.

As with regard to the petitioner nos. 2, 3 & 4 facing prosecution for offence under Sections 341, 323, 379, 307, 147, 148, 504/149 of the Indian Penal Code, Mr. Prasad explains that first of all the main part of the allegation that first of all the alleged members including the petitioner no.4 had thrown chilly power in the eyes of the informant and others has not at all been substantiated, inasmuch as, the doctor has not found any such

injury in the eyes. He has also submitted that otherwise also, there is an omnibus allegation against as many as nine persons though the injury on the two of the persons found is only one each which cannot be subscribed to anyone of the petitioners.

This Court, taking into account the aforesaid submissions as also the fact that the petitioners have got no criminal antecedent, would direct that if the petitioner nos. 2 to 4, namely, Balram Chauhan, Vicky Chauhan and Kriti Devi @ Kirti Devi surrender before the court below within a period of four weeks from today, they shall 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 Sri Sunil Kumar-III, J.M., 1st Class, Katihar in connection with Barari P.S. Case No. 123 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) That both the bailors will be a close relative of the petitioners, who will undertake 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 affidavit shall clearly state that the petitioners are not an accused in any other case and if they are, they shall not be

released on bail.

(iii) 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 bail on the ground of misuse.

(iv) That the petitioners will be well represented on each and every date in course 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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