

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46082 of 2015

Arising Out of PS.Case No. -370 Year- 2015 Thana –SASARAM(M) P.S. District- SASARAM
(ROHTAS)

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1. Kedar Choudhary Son of Manchal Bind, Resident of Village - Admapur,
P.S. - Sasaram (M), District - Rohtas.
2. Nandu Paswan, Son of Ram Dayal Paswan, Resident of Village -
Karwandiya, P.s. - Sasaram (M), District - Rohtas.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sada Nand Ray

For the Opposite Party/s : Mr. R.P.S.Singh (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 04-11-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under sections 379, 411/34 of the Indian Penal Code and the fact that the name of the petitioners has surfaced only on the confessional statement of Anil Kumar Sah and that barring that there is no material against the petitioners and that the learned counsel for the petitioners has also asserted that the petitioners have got no criminal antecedent, whereas a vague impression emerges from reading of the order of the Sessions Judge that there is some sort of criminal antecedent either of Anil Kumar Sah or of the petitioner, this Court would be inclined to grant privilege of anticipatory bail to the petitioners only if they have got no criminal antecedent.



That being so, if the petitioners, namely, Kedar Choudhary and Nandu Paswan, surrenders before the court below within a period of four weeks from today, the court below shall make due verification of the claim of the petitioners of having no criminal antecedent. In the event it is found that the petitioners have got no criminal antecedent, 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 the Chief Judicial Magistrate, Rohtas in Sasaram (Mufassil) P.S.Case No. 370/2015, subject to the following conditions:

(i) That the court below shall make verification of criminal antecedent of the petitioners and if it is found that they are accused in any other criminal case, they shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be a 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.

(iii) That the bailor 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 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 delay the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(v) 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.

surendra/-

(Mihir Kumar Jha, J)

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