

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46494 of 2015

Arising Out of Digha P.S. Case No. -73 Year- 2015 Thana -DIGHA District- PATNA

Indar Rai, son of late Dwarika Rai, resident of Mohalla - Kurji Kothian,
Police Station - Digha, District - Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Adv.

For the State : Mr. Sadanand Paswan, (Spl.PP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

2 15-10-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks anticipatory bail in a case instituted for the offence under Sections 341, 324, 379, 504, 506/34 of the Indian Penal Code and Section 3(x) of the Prevention of SC/ST Atrocity Act.

Considering the nature of allegations and that the Petitioner has fair antecedent as also undertakes to be more responsible in future, let the Petitioner in the event of surrender, named above, within four weeks from the date of receipt of this order, in connection with Digha P.S. Case No. 73 of 2015, shall be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (Five thousand) with two sureties of the like amount each or any other surety to be fixed by the Court concerned to the satisfaction of Md. Inam Khan, Judicial Magistrate, 1st Class, Patna, subject to the following conditions: (i) That one of the bailors will be a close

relative of the Petitioner who will give an affidavit giving genealogy as to how he is related with the Petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioner. (ii) That the affidavit shall clearly state that the Petitioner is not an accused in any other case and if he is, he shall not be released on bail. (iii) That the bailor shall also state on affidavit that he 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 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 date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

However, if at any point in time, it is found that the Petitioner is tampering with the prosecution, the Informant will be at liberty to file an application for cancellation of bail.

(Anjana Prakash, J)

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