

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47107 of 2014

Arising Out of PS.Case No. -271 Year- 2014 Thana -MOTIPUR District- MUZAFFARPUR

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Raju Mahto Son of Ram Ekwel Mahto resident of village - Purani Bazar,
Police Station - Motipur, District - Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kailash Nath Diwakar

For the Opposite Party/s : Mr. Shailendra Kumar No.1(APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 30-04-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Section 272 and 273 of the Indian Penal Code and Section 47(A) of the Excise Act and that the petitioner claims that it is his first involvement in any criminal case including the present one under the Excise Act, this Court would find the petitioner to be entitled for grant of privilege of anticipatory bail.

That being so, if the petitioner, namely, Raju Mahto surrenders before the court below within a period of four weeks from today, he shall 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 the learned Sub-Divisional Judicial Magistrate (West), Muzaffarpur in connection with

Motipur P.S. Case No. 271 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to 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 a 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 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 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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