

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51186 of 2014

Arising Out of Complaint.Case No. -429 Year- 2013 District- JAMUI

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1. Gorelal Yadav Son of Nand Kishore Yadav,
2. Sheoji Yadav son of Late Harihar Yadav Both of village- Gorihar Nagar,
P.S. Sikandra, District- Jamui

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amardeep

For the Opposite Party/s : Mr. Ram Naresh Roy(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 19-05-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under sections 323, 504, 448, 427, 380 and 376 of the Indian Penal Code and the fact that the police in course of investigation did not find the allegation of 376 I.P.C. to be true, whereafter it had filed the final report but the learned Magistrate on a protest petition filed by the complainant has taken cognizance, this Court by taking into account that petitioner no.2 has got no criminal antecedent would find him entitled for grant of privilege of anticipatory bail.

Petitioner no.1 is accused in two more criminal cases and therefore, his prayer for anticipatory bail is rejected. He must surrender and make prayer for regular bail.

That being so, if petitioner no.2, Sheojee Yadav, would surrender 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 Sri R. Narayan, Judicial Magistrate, 1st Class, Jamui in Complaint Case No. 429C/2013 arising out of Sikandra P.S.Case No. 131/2012, subject to the following conditions:

(i) That both the bailors will be a close relative of petitioner no.2 who will give an affidavit giving genealogy as to how they are related with petitioner no.2. The bailors will also undertake to inform the Court if there is any change in the address of petitioner no.2.

(ii) That the bailor shall also state on affidavit that he will inform the Court concerned if petitioner no.2 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.

(iii) That petitioner no.2 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.

(iv) That petitioner no.2 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.

Nothing said in this order, however, will come in the way of petitioner no.1 in surrendering and making prayer for regular bail.

(Mihir Kumar Jha, J)

surendra/-

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