

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49841 of 2015

Arising Out of PS.Case No. -78 Year- 2015 Thana -NAUTAN District- SIWAN

1. Chunnu Mishra
2. Guddu Mishra
Both sons of Binod Mishra, Resident of Village- Shahpur, Police
Station- Nautan, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. Nawal Kishore Prasad (App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 06-11-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 147, 148, 149, 323, 324, 354, 379, 504 of the Indian Penal Code and Section 3(i)(xi) of the SC/ST Act, this Court, taking into account that there is absolutely no allegation against the petitioners barring their being a member of the mob who had allegedly attacked on the informant Mukhia and that the petitioners have got no criminal antecedent, it would be inclined to grant privilege of anticipatory bail to the petitioners.

That being so, if the petitioners, namely, Chunnu Mishra and Guddu Mishra 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 Prabhakar Jha, Judicial Magistrate, 1st Class, Siwan in connection with Nautan P.S. Case No. 78 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)