

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49822 of 2015

Arising Out of PS.Case No. -454 Year- 2013 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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1. Nand Kishore Sahani Son of Lakhan Sahani, R/o Village-Baghi, P.S.
Darpa, District- East Champaran.
2. Ravindra Sahani, S/o Nand Kishore Sahani, R/o Village-Baghi, P.S.
Darpa, District- East Champaran.

.... Petitioners

Versus

1. The State of Bihar.
2. Mukesh Sahani son of Nawal Sahani resident of village- Bagahi, P.S-
Darpa, District- East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh

For the Opposite Party/s : Mrs. Asha Devi (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 05-11-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under sections 392, 323, 504 of the Indian Penal Code and section 27 of the Arms Act arising out of Complaint Case No. 454/2013 in which ultimately the court below has taken cognizance only for offence under sections 384, 504/34 of the Indian Penal Code, this Court primarily by taking into account that the occurrence of 16th September, 2013 was reported on 29.10.2013 even when the complainant alleges to be robbed of a sum of Rs.1,50,000/- on 16.9.2013 and that there is a previous history of the litigation between the parties, inasmuch as petitioner no.2 had filed a F.I.R. on 20.9.2013 against the informant Mukesh Sahani, this Court by

taking into account that the petitioners also have got no criminal antecedent would be inclined to grant privilege of anticipatory bail.

That being so, if the petitioners, namely, Nand Kishore Sahani and Ravindra Sahani, 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 the S.D.J.M., Raxaul at Motihari in Complaint Case No. 454/2013, 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 he 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 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)

surendra/-

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