

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49878 of 2015

Arising Out of PS.Case No. -185 Year- 2015 Thana -POTHIYA District- KISANGANJ

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Shahid Son of Asibur Rehman @ Asiruddin Resident of Village -
Nimlagaon, P.S.- Pothia, District - Kishanganj

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 09-11-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 504, 506, 307, 379 of the Indian Penal Code and the fact there is a counter version of the same occurrence in which four persons are said to have received injury including father of the petitioner, on the side of the petitioner, this Court, by taking into account that the petitioner has got no criminal antecedent and the only one injury caused by him on the person of Jahangir Alam has not been found to be grievous in nature, this Court would be inclined to grant privilege of anticipatory bail to the petitioner basically because he has got no criminal antecedent and there appears to be a case of free fight between both the parties and belonging to the same family.



That being so, if the petitioner, namely, Shahid 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 A. Ranjan, Judicial Magistrate, 1st Class, Kishanganj in connection with Pothia P.S. Case No. 185 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 petitioner, who will undertake 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.
- (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 bailors shall also state on affidavit that they 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 be well represented on each and

every date in course 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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