

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49816 of 2015

Arising Out of PS.Case No. -14 Year- 2015 Thana -BIRPUR District- SUPAUL

=====

Mahendra Punasiya Son of Late Adhik Lal Punasiya Resident of Village -
Bhawanipur, P.S. - Birpur, District - Supaul.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

with

Criminal Miscellaneous No.51910 of 2015

Arising Out of PS.Case No. -14 Year- 2015 Thana -BIRPUR District- SUPAUL

- =====
1. Jai Krishna Punasiya, son of late Subhak Lal Punasiya
 2. Pradeep Punasiya, son of late Subhak Lal Punasiya
 3. Chandan Punasiya, son of Jai Krishna Punasiya
 4. Jitendra Baharkher, son of Shri Sadanand Baharkher

All are residents of village Bhawanipur, P.S. Birpur, District Supaul

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

(In Cr.Misc. No.49816 of 2015)

For the Petitioner/s : Mr. Pranav Kumar

For the Opposite Party/s : Mr. Uday Pratap Singh(App)

(In Cr.Misc. No.51910 of 2015)

For the Petitioner/s : Mr. Pranav Kumar

For the Opposite Party/s : Mr. Uday Pratap Singh(App)

=====

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 147, 148, 149, 448, 341, 323, 324, 307, 380, 436, 354 of the Indian Penal Code and that for the same allegations co-accused, 15 of them, by an order dated 21.8.2015 in Cr.Misc.No. 36828/2015 and again 10 of them in Cr.Misc.No. 39779/2015 by



an order dated 1.10.2015 have been granted the privilege of anticipatory bail and the case of the petitioners cannot be distinguished, inasmuch as it is said that a mob of 31 persons had indiscriminately assaulted in which ten persons had sustained injuries, of course all of them being simple, and that there is also a counter version of the same occurrence, this Court for maintaining parity would be inclined to grant privilege of anticipatory bail to the petitioners in both the cases.

That being so, if the petitioners, namely, 1. Mahendra Punasiya, 2. Jai Krishna Punasiya, 3. Pradeep Punasiya, 4. Chandan Punasiya and 5. Jitendra Baharkher, 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 Sub-divisional Judicial Magistrate, Birpur, Supaul in Birpur P.S.Case No. 14/2015, subject to the following conditions:

(i) 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.

(ii) 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.

(iii) That the petitioners will give an undertaking that they will receive the police papers on the given date and be present on the date fixed for charge and if they fail to do so on two given dates and delay the trial in any manner, their bail will be liable to be cancelled for reasons 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/-

U			
---	--	--	--