

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49813 of 2015

Arising Out of PS.Case No. -14 Year- 2015 Thana -SAKSOHRA District- PATNA

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Subhash Prasad @ Subhash Kumar Son of Sri Sunil Mahto Resident of
Village + Police Station - Saksohra, District - Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rabi Bhushan Prasad No. 1

For the Opposite Party/s : Mr. Atul Chandra(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 147, 148, 149, 341, 323, 307, 379, 427 and 504 of the Indian Penal Code and that the alleged incident had taken place on the spur of the moment at a point of time when Barat of the informant's daughter had reached at the Darwaja and scuffle took place at that nick of the moment, this Court keeping into account the omnibus allegation against the petitioner as also the fact that he has no criminal antecedent would find him to be entitled for privilege of anticipatory bail.

That being so, if the petitioners, Subhash Prasad @ Subhash Kumar, surrenders 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 the Addl. Chief Judicial Magistrate, Barh in Saksohara P.S. Case No. 14/2015, subject to the following conditions:

(i) That the court below shall make verification of criminal antecedent of the petitioner and if it is found that he is accused in any other criminal case, he shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be a close relative of the petitioner who will give 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.

(iii) That the bailor shall also state on affidavit that he 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 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.

(v) That the petitioner 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.

(Mihir Kumar Jha, J)

surendra/-

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