

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49764 of 2015

Arising Out of PS.Case No. -106 Year- 2015 Thana -BUDDHACOLONY District- PATNA

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1. Sumitra Devi Wife of Late Vijay Prasad Yadav
 2. Naveen Kumar Son of Late Vijay Prasad Yadav
 3. Satendra Kumar Son of Late Vijay Prasad Yadav All R/o South Mandiri, Kathpul, P.S. Budha Colony, District Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. U.S.P.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 04-11-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 341, 323, 504, 508, 384/34 of the Indian Penal Code and the fact that the allegation against the petitioners at best would amount to obstructing the easementary right of the informant of access to his house and land and/or parking his car, this Court, taking into account that the petitioner nos. 1 & 3 have no criminal antecedent, would be inclined to grant privilege of anticipatory bail to them but, then, the same privilege cannot be given to the petitioner no.2 who has a criminal antecedent again of an almost similar offence.

That being so, the prayer for anticipatory bail of the



petitioner no.2, namely, Naveen Kumar is rejected but, then, if the petitioner no.1 and 3, namely, Sumitra Devi and Satendra Kumar 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 Rajeev Kumar Bharti, Judicial Magistrate, 1st Class, Patna in connection with Budha Colony P.S. Case No. 106 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)

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