

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49790 of 2015

Arising Out of PS.Case No. -31 Year- 2015 Thana -SABOUR District- BHAGALPUR

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1. Kuldeep Sah Son of Baddo Sah @ Bade Sah
2. Bade Sah @ Baddo Sah Son of Late Fagu Sah
3. Fantu Yadav Son of Late Sargun Yadav
4. Anil Kumar Sah Son of Shyam Sah
All resident of Village Swaroopchak, P.S. Goradih, District Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv
For the Opposite Party/s : Mrs. Rita Verma, 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 against the petitioners for the offences punishable under Sections- 147, 148, 149, 323, 324, 379, 354, 504 and 506 of the Indian Penal Code and Section-3(1)(x) of the SC/ST (Prevention of Atrocities) Act and that a co-ordinate bench of this Court has already granted bail to co-accused Kamal Kishore Sah vide order dated 17.09.2015 in Criminal Miscellaneous No. 37417 of 2015, who was having more serious allegation than the petitioners, this

Court in order to maintain parity would be inclined to grant the privilege of anticipatory bail to the petitioners who claim to have also got no criminal antecedent.

That being so, if the petitioners namely, **Kuldeep Sah, Bade Sah, Fantu Yadav, Anil Kumar Sah**, surrender within a period of four weeks from today, they would 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 **Judicial Magistrate, 1st Class, Bhagalpur** in connection with **Sabour (Goradih) P.S. Case No. 31 of 2015**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That both the bailors will be 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 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 their 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 delays 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)

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