

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51199 of 2015

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Kamal Das son of Raghubir Das, resident of village- Jagatiya, P.S.-
Pakaridayal, District- East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate.

For the Opposite Party/s : Mr. Indra Kumar Singh (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 against the petitioner for offence under Sections 272 and 273 of the Indian Penal Code and Section 27(a) of the Bihar Excise Act and that the petitioner claims to have no criminal antecedent, this Court would be inclined to grant privilege of anticipatory bail to the petitioner taking into account the fact that it is his first offence under the Excise Act.

That being so, if the petitioner, namely, Kamal Das, 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/- with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Sikrahana, Motihari, East Champaran in connection with Pakarideyal P.S. Case No. 64 of 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 close family relatives 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.
- (iii) That the affidavit shall clearly state that the petitioner is not accused in any other case and if he is, he shall not be released on bail.
- (iv) 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 his bail on the ground of misuse.
- (v) 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)

Sujit/-

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