

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 38969 of 2014

Arising out of P.S. Case No. -196 Year- 2014 Thana -BANKA
District- BANKA

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Deo Narayan Mandal Son of Late Mahesh Mandal Resident of
Village - Paniya, P.S. - Barahat, District - Banka.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Adv.

For the Opposite Party/s : Mr. Gajendra Pd.Yadav (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

02. 30.01.2015

Heard learned counsel for the Petitioner and the
State.

The Petitioner seeks bail in a case instituted for
the offences under Sections 147, 148, 149, 341, 323,
324, 307 and 504 of the Indian Penal Code and Sections
3/4 of the Explosive Substance Act.

It has been submitted that in the First
Information Report the Informant himself has not claimed
to be an eye-witness but hearsay through Bambam Yadav
whose submission appears to have been recorded in the
entire case diary as is evident from the impugned order.

Considering this aspect of the matter as also that
the Petitioner has fair antecedents, let him be released on
bail on furnishing bail bond of Rs. 5,000/- (Five
Thousand) with two sureties of the like amount each or
any other surety as fixed by the Court to the satisfaction
of Chief Judicial Magistrate, Banka in connection with

Banka (Barahat) P.S. Case No. 196 of 2014 subject to the following conditions:- (i) That one of the bailors will be a close relative of the Petitioner who will give an affidavit giving genealogy as to how he is related with the Petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioner. (ii) That the affidavit shall clearly state that the Petitioner is not an accused in any other case and if he is he shall not be released on bail. (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 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 date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Anjana Prakash, J.)

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