

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37657 of 2014

Arising Out of PS.Case No. -40 Year- 1999 Thana -SINGHIYA District- SAMASTIPUR

1. Anirudh Prasad Yadav @ Anirudh Yadav son of late Ram Kripal Yadav.

2. Phuleshwar yadav, Son of Anirudh Yadav.

Both resident of Village- Bhatandi, P.S.- Rosera, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sujit Kumar Singh, Advocate.

For the Opposite Party/s: Mr. Sunil Kumar Pandey (App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 27-02-2015

Heard learned counsels for the parties.

Having regard to the allegation being faced by both the petitioners for offence under Section 364 of the Indian Penal Code which in course of investigation by the police was not found to be true and only thereafter the learned Magistrate differing with the police report has taken cognizance, this Court, taking into account the fact that the petitioners have got no criminal antecedent and that their names were allegedly included in F.I.R. on account of their being an old litigation between the parties including Singhia P.S.Case No. 42 of 1997, this Court is inclined to grant anticipatory bail to the petitioners.

That being so, if the petitioners, namely, Anirudh Prasad Yadav @ Anirudh Yadav and Phuleshwar Yadav, surrender within a period of four weeks from today, the court

below shall grant them bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Rosera, Samastipur in connection with Singhia P.S.Case No. 40 of 1999, subject to the following conditions:

- (i) That both the bailors will be close family relatives 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 addresses of the petitioners.
- (ii) That the affidavit shall clearly state that the petitioners are not 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)

Sujit/-

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