

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49703 of 2014

Arising Out of PS.Case No. -195 Year- 2014 Thana -KOTWALI District- MUNGER

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Ajay Kumar son of Naresh Ram resident of Mohalla Ghoshi Tola , P.S.
Kashim Bazar , District- Munger

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashwani Kumar Sinha

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 03-03-2015

Heard the parties.

The petitioner seeks bail in a criminal prosecution registered under Sections 399/ 402 of the Indian Penal Code as also under Sections 25(1-B) (a)/26/35 of the Arms Act and under Section 4/5 of the Explosive Substance Act.

It is submitted that the petitioner was arrested from a hotel. Therefore, criminal prosecution against him for offences under Sections 399 and 402 I.P.C. appears to be doubtful and not believable. It is also highlighted that the petitioner is in judicial custody since 12.07.2014.

Be that as it may, taking into consideration the period of incarceration, his prayer for bail is allowed. The petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge V, Munger in Sessions Trial No. 845 of 2014 arising out of Kotwali P.S. Case No. 195 of 2014, subject to the conditions that:

(A) One of the bailors shall be the government servant,

- (B) Other bailor shall be either family member or close relative of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (C) if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/ prosecution shall be at liberty to file a petition for cancellation of the bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned and
- (D) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioner.

(Birendra Prasad Verma, J)

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