

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46931 of 2014

Arising Out of PS.Case No. -598 Year- 2012 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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Dina Nath Sahani @ Dina Sahani S/o Late Bipat Sahani, resident of Village
Jhakhiya, P.S. Banjariya, District East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Adya Singh, Advocate
Mr. Pramod Ranjan, Advocate

For the Opposite Party/s : Mr. Shyam Kr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 20-02-2015

Heard the parties.

The petitioner seeks bail in a criminal prosecution
registered under Sections 386 and 387 of the Indian Penal Code.

It is submitted that the petitioner is not named in the
first information report vide Annexure-1 as an accused and he is in
judicial custody since 23.03.2013.

Learned counsel appearing on behalf of the State
points out that the petitioner is accused in several other criminal
cases besides the present one. By way of reply, learned counsel
for the petitioner submits that he has been granted bail in all other
criminal cases.

Learned court below is directed to verify the fact from
the relevant records. If the petitioner is not wanted in any other
criminal case except the present one and has been released on bail
in all other criminal cases, then he shall be released on bail on
furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand)
with two sureties of the like amount each to the satisfaction of

learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Turkaulia P.S.Case No. 598 of 2012, subject to the following conditions:

(A) one of the bailors must be government servant or close family members of the petitioner who will file an affidavit in the court below showing his/her relationship with the petitioner,

(B) 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 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

(C) 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 bond of the petitioner.

However, it is clarified that if, on verification, it is found that the petitioner is wanted in some other criminal case in which he has not been granted bail, then it shall be construed that the prayer for bail made on behalf of the petitioner stood rejected by this Court and in that case, the petitioner shall not be granted the benefit of the present order granting him bail.

(Birendra Prasad Verma, J)

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