

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49645 of 2014

Arising Out of PS.Case No. -24 Year- 2014 Thana -AKILPUR District- PATNA

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Dharmendra Kumar son of Late Maladar Rai, resident of Village - Salhali,
P.S. - Akilpur, District - Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 03-03-2015

Heard learned counsel appearing on behalf of the petitioner. None appears on behalf of the State of Bihar.

The petitioner seeks bail in a criminal prosecution registered under Sections 302 and 120B/34 of the Indian Penal Code.

It is submitted that though the petitioner is also one of the named accused in the first information report vide Annexure-1, but the entire prosecution case against the petitioner besides others is based on suspicion and surmises and nobody claims to be the eye witness of the actual occurrence. The petitioner is stated to be in judicial custody since 10.07.2014.

Be that as it may, in the facts and circumstances of the case, the prayer for bail of the petitioner is allowed. The above named petitioner is ordered to 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 Additional Chief Judicial Magistrate, Danapur, Patna in Akilpur P.S.Case No. 24 of 2014, 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.

(Birendra Prasad Verma, J)

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