

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44045 of 2014

Arising Out of PS.Case No. -65 Year- 2014 Thana -KOTWA District-
EASTCHAMPARAN(MOTIHARI)

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Tunna Thakur S/o Late Rajendra Thakur R/o village- Birta Tola,
Loknathpur, P.S.- Turkauliya, Dist.- East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar No.1

For the Opposite Party/s : Mr. Satyendra Narayan Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 10-04-2015

Heard the parties.

The petitioner seeks bail in a criminal prosecution registered under Section 395 of the Indian Penal Code.

It is submitted that the petitioner is not named in the F.I.R. vide Annexure-1 as an accused and no incriminating article has been recovered either from the house or from possession of the petitioner. It is contended that the petitioner has not been put on T.I. Parade though he is in judicial custody since 04.06.2014.

Learned Addl. P.P. appearing for the State though has opposed the prayer for bail, but has not been able to dispute the aforesaid submission.

In above view of the matter, the prayer for bail made on behalf of the petitioner 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 Judicial Magistrate, 1st Class Sadar at Motihari, East Champaran in connection with Kotwa P.S. Case No. 65 of 2014, subject to the conditions that:

(A) One of the bailors must be government servant or



(B)

close family member of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,

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

(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 bonds of the petitioner.

(Birendra Prasad Verma, J)

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