

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12475 of 2015

Arising Out of PS.Case No. -3 Year- 2015 Thana -RIGA District- SITAMARHI

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Motalim Ansari Son of Md. Kaium Ansari, Resident of Village - Sirahi
Tole Ishlampur, Police Station - Riga, District - Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 26-05-2015

Heard the parties.

The petitioner seeks bail in a criminal prosecution registered under Sections 363 and 369 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in the F.I.R. vide Annexure-1 as an accused. It is pointed out that according to the prosecution case, wife of the informant, who is a headmistress of a Primary School, went to her paternal house, but thereafter she did not return and the informant suspected that she might have eloped somewhere with her paramour. It is next contended that the entire criminal prosecution is based on suspicion and surmises and the petitioner is in judicial custody since 27.01.2015.

Taking into consideration the aforesaid aspects, the 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 Chief Judicial Magistrate, Sitamarhi in connection with Riga P.S. Case No. 03 of 2015, subject to the conditions that:

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



(B)

or 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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