

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30678 of 2014

Arising Out of PS. Case No. -58 Year- 2014 Thana -WARSALIGANJ District- NAWADA

- =====
1. Birju Chaudhary Son of Kailash Chaudhary
 2. Baleshwar Chaudhary son of Kailash Chaudhary,
- Both are resident of village - Masuda, P.S. Warisaliganj, District-
Nawada

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Anil Kr. Singh No. I, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 14-01-2015

Learned counsel appearing on behalf of the petitioners submits that during the pendency of the present application the petitioner no.1 Birju Chaudhary has been apprehended by the police. Therefore, the present petition filed on his behalf for grant of anticipatory bail in connection with Warsaliganj P.S. Case No. 58 of 2014 has become infructuous.

In view of the above submissions, the present petition filed on behalf of the petitioner no.1 for grant of anticipatory bail is hereby dismissed as infructuous.

Heard the parties.

Taking into consideration the facts that there is allegation of recovery of only 52 litres of country liquor from the house of petitioner no.2- Baleshwar Chaudhary and not from his conscious possession and further taking into consideration that he is not involved in any other criminal case except the present one, his prayer for anticipatory bail is allowed.

In the event of his arrest or surrender in the court below within a period of four weeks from today, the petitioner

no.2- Baleshwar Chaudhary shall be enlarged 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, Nawada in connection with Warsaliganj P.S. Case No. 58 of 2014, subject to the condition as laid down under Section 438(2) of the Cr. P. C. and subject to further conditions that:

- (A) One of the bailors must be government servant or close family member of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner no.2,
- (B) if the petitioner no.2 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 no.2, 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 no.2 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 no.2 fails to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioner no.2.

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(Birendra Prasad Verma, J)