

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30240 of 2014

Arising out of PS.Case No. -112 Year- 2013 Thana -RAGHOPUR District- VAISHALI(HAJIPUR)

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1. Guddu Rai Son of Shiv Shankar Rai
 2. Shiv Shankar Rai Son of Late Chulhai Rai
 3. Shila Devi Wife of Shiv Shankar Rai
 4. Ramesh Rai Son of Shiv Shankar Rai
 5. Kotani Rai @ Katari Rai Son of Late Chulhai Rai
- All Resident of Village - Mohanpur, P.S. - Raghopur, District - Vaishali (Bihar).
6. Nagina Rai Son of Late Sudama Rai Resident of Village - Rampur Shyamchand, P.S. - Raghopur, District - Vaishali (Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate.

For the Opposite Party/s: Mr. T.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 14-01-2015 Heard learned counsel for the parties as with regard to the prayer of anticipatory bail of all the petitioners for offence under Sections 304(B)/34 of the Indian Penal Code.

While this Court, in the light of the facts mentioned in the application and particularly noticing the aspect that the police had submitted a final form against the petitioners and cognizance has been taken by the court below only by way of differing from the police report is inclined to grant anticipatory bail to the petitioner nos. 2, 3, 4, 5 and 6 but the same privilege cannot be given to the petitioner no. 1, the husband. Therefore, the prayer for anticipatory bail of the petitioner no. 1, namely, Guddu Rai is

hereby rejected.

That being so, if the petitioner nos. 2, 3, 4, 5 and 6, namely, Shiv Shankar Rai, Shila Devi, Ramesh Rai, Kotani Rai @ Katari Rai and Nagina Rai respectively would surrender within a period of four weeks from today, they shall be released on bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali in connection with Raghapur P.S. Case No. 112 of 2013, subject to the following five conditions:

- (i) That both of the bailors will be the close relatives of the petitioners, who will undertake an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the Court if there is any change in the address of the petitioners.
- (ii) That the affidavit shall clearly state that the petitioners are not accused in any other case and if they are, they shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioners are implicated in



any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioners will give an undertaking that they will receive the police papers on the given date and be present on the date fixed for charge and if they fail to do so on two given dates and delay the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioners will be well represented on each and every date of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

Sujit/-

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