

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30218 of 2014

Arising out of PS.Case No. -4 Year- 2014 Thana -SC ST P.S. District- SIWAN

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1. Rameshwar Dubey
2. Kameshwar Dubey
3. Bindeshwar Dubey
All sons of Ramashankar Dubey, resident of village - Babhanauli, P.S.
Assaon, Dist.-Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ramshankar Das (Spl.PP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 14-01-2015

Having regard to the nature of allegation against the petitioners for offence under Sections 420, 406, 341, 323, 504, 506/34 of the Indian Penal Code and Sections 3(1)(x) of the SC and SC (Prevention of Atrocities) Act, this Court can grant anticipatory bail to all the three petitioners, namely, petitioner no. 1, Rameshwar Dubey, petitioner no. 2, Kameshwar Dubey and petitioner no. 3, Bindeshwar Dubey respectively only if a sum of Rs. 60,500/- in cash is deposited by them, which allegedly was taken from the informant by the petitioner Kameshwar Dubey for its being deposited in the account of the company.

Let it be however made clear that this amount of Rs. 60,500/- deposited by the petitioners shall be kept by the trial court in a separate account under fixed deposit in post



office/nationalized bank and the same shall remain subject to the final result of the trial. In other words, the amount of Rs. 60,500/- shall not be handed over to the informant for the time being but then if the petitioners or even any of them are found guilty and convicted the informant shall become entitled for not only the refund of Rs. 60,500/- but also the interest earned thereon in the fixed deposit during the pendency of the trial.

That being so, if the petitioners namely, petitioner no. 1, Rameshwar Dubey, petitioner no. 2, Kameshwar Dubey and petitioner no. 3 Bindeshwar Dubey respectively would surrender within a period of four weeks from today and deposit a sum of Rs. 60,500/- in the court below 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, Siwan in connection with S.C. S.T. P.S. Case No. 04 of 2014, subject to the following 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.

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- (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.



(vi) That the amount of Rs. 60,500/- deposited by the petitioners in the trial court shall be kept in fixed deposit in post office or nationalized bank and would remain subject to the result of the trial and its entire proceeds with interest shall be given to the informant only if any or all the petitioners are held guilty and convicted by the trial court.

(Mihir Kumar Jha, J)

Sujit/-

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