

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15292 of 2015

Arising Out of PS.Case No. -115 Year- 2013 Thana -JHANJHARPUR District- MADHUBANI

1. Santosh Sah, Son of Shri Satya Narayan Sah
2. Shambhu Sah, Son of Late Mahaveer Sah,
Both Nos. 1 and 2 are residents of village- Kanhauli, Nagar Panchayat-
Jhanjharpur, Police Station- Jhanjharpur, District- Madhubani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Advocate.

For the Opposite Party/s : Mr. Kalyan Shankar (App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 13-08-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Section 7 Essential Commodities Act as well as Section 414 of the Indian Penal Code, while this Court, on the basis of materials on record, was not satisfied that the petitioners have clean hands as they have claimed, but then when an offer has come from Mr. N.K. Agrawal, learned senior counsel appearing on behalf of the petitioners, that this much liberty should be given to the petitioners that on their surrender before the court below within a period of eight weeks and depositing a sum of Rs. 50,000/- by way of bank draft in the name of Collector of Madhubani District, they should be released on bail by keeping the amount subject to the result of the trial, this Court would be inclined to grant the petitioners privilege of anticipatory bail.

That being so, if the petitioners, namely, Santosh Sah and



Shambhu Sah surrender within a period of eight weeks from today and produce a bank draft of Rs. 50,000/- in the name of Collector of Madhubani District, they shall be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Jhanjharpur, District-Madhubani in connection with Jhanjharpur P.S.Case No. 115 of 2013 of 2013 subject to the following conditions:

- (i) The bank draft amounting to Rs. 50,000/- so deposited by the petitioners by a bank draft in the name of the Collector of Madhubani District shall be handed over to the Collector, but then the same shall remain subject to the trial of the case.
- (ii) That both the bailors will be close family 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 addresses of the petitioners.
- (iii) 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.
- (iv) 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 their bail on the ground of misuse.

- (v) That the petitioners will be well represented on each and every date in course 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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