

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36266 of 2014

Arising Out of PS.Case No. -124 Year- 2014 Thana -KHIJARSARAI District- GAYA

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Vikash Kumar, Son of Ramakant Singh, resident of village - Deogaon
Police Station - Khizer Sarai and District - Gaya .

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2
For the Opposite Party/s : Mr. Ajay Kumar No.2, Addl.P.P.
For the Informant : Mr.Devendra Kumar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 11-02-2015 Heard the parties.

The petitioner apprehends his arrest in a criminal prosecution registered for an offence under Section 380 of the Indian Penal Code.

It is submitted that the occurrence in question is said to have taken place on 18.07.2014 and written report was submitted after undue delay of more than four days on 22.07.2014. It is further highlighted that the petitioner happens to be own nephew of the informant and in view of certain family disputes this case has been lodged with all baseless and false allegation.

Learned counsel appearing on behalf of the informant has opposed the prayer and has submitted that no other criminal case is pending between the parties.

Be that as it may, in the facts and circumstances of the case particularly in view of delay in lodging the FIR, vide Annexure-1, the 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, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of Smt. Anindita Singh, learned Judicial Magistrate-1st Class, Gaya in connection with Khizer Sarai P.S. Case No. 124 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) Both the bailors shall be parents of the petitioner,

(B) 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 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;

(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 date, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

Arvind/-

(Birendra Prasad Verma, J)

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