

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12299 of 2015

Arising Out of PS.Case No. -2483 Year- 2013 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Lal Bahadur Sahni Son of Late Panna Lal Sahni R/o Village-Pratap Tand,
P.S.-Bhagwanpur, District-Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar
2. Jagdish Sahni, S/o late Gaza Sahni, R/o Village Pratap Tand, P.S.
Bhagwanpur, Dist. Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr. Ahmad Ali(APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 13-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 147, 323, 386/34 of the Indian Penal Code and that whatever allegation has surfaced against the petitioner will only be an evidence of the fact the same is by way of continued retaliation between the parties arising out of a land dispute between the agnates, this Court, having regard to the fact that the petitioner has got no criminal antecedent, as is specifically asserted in paragraph no.3 of this application, would direct the petitioner, namely, Lal Bahadur Sahni, to surrender before the court below within a period of four weeks from today and if he does so, he shall be released on bail on furnishing on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Vaishali at Hajipur in connection with Complaint Case No. C-1-2483/2013, subject to the conditions as laid

down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) That both the bailors will be a close relative of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the court below shall make verification of criminal antecedent of the petitioner and if it is found that he is accused in any other criminal case, he shall not be granted bail and would be taken into custody.
- (iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his 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 petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

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(Mihir Kumar Jha, J)