

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3817 of 2015

Arising Out of PS.Case No. -46 Year- 2003 Thana –PHULWARISHARIF, District- PATNA

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Dilip Pandit, Son of Sri Hariom Pandit, Resident of Village - Koriyama,
Police Station - Janipur, District - Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar, Adv.

For the State : Mr. Ajay Kumar-I, (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

2 29-01-2015 Heard learned counsel for the Petitioner and the State.

The Petitioner seeks anticipatory bail in a case instituted for the offence under Sections 399, 402, 353, 332, 324, 326, 307, 216A of the Indian Penal Code, Sections 25(1-b)a, 26, 27, 35 of the Arms Act and Sections 3, 4, 5 of the Explosive Substance Act.

Considering that the Petitioner is not named in the First Information Report and it is only on the report of the spy that he has been implicated in the present case as also he has fair antecedent, let the Petitioner in the event of surrender, named above, within four weeks from the date of receipt of this order, in connection with Phulwarisharif P.S. Case No. 46 of 2003, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (Five thousand) with two sureties of the like amount each or any other surety to be fixed by the Court concerned to the satisfaction

of Sri Raj Kishore Ray, Judicial Magistrate, 1st Class, Patna, subject to the following conditions: (i) That one of the bailors will be a close relative of the Petitioner who will give an affidavit giving genealogy as to how he is related with the Petitioner and the other shall be the uncle of the Petitioner namely, Madho Pandit. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioner. (ii) That the affidavit shall clearly state that the Petitioner is not an accused in any other case and if he is, he shall not be released on bail. (iii) That the bailor shall also state on affidavit that he 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 give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse. (v) That the Petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Anjana Prakash, J)

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