

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40630 of 2014

Arising Out of PS.Case No. -159 Year- 2014 Thana -KUCHAIKOTE District- GOPALGANJ

- =====
1. Ranjit Mukhia @ Ranjeet Mukhia, Son of Sudarshan Mukhia
 2. Sudarshan Mukhia, Son of Late Mahal Raut
 3. Atwaro Devi @ Awtaro Devi, Wife of Sudarshan Mukhia,
All Resident of village- Rupan Chap, P.S.- Barauli, Dist.- Gopalganj
 4. Dashrath Mukhia @ Dashrath Manjhi, Son of Late Ramayan Mukhia,
Resident of village- Baboo Sirisiya, P.S.- Kuchai Kote, District- Gopalganj

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ghulam Rabbani

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 13-03-2015

Heard.

The petitioners apprehend their arrest in a criminal prosecution registered under Sections 304B/201/34 of the Indian Penal Code.

Taking into consideration the nature of allegations, as disclosed in the FIR vide Annexure-1, and further taking into consideration the relationship of the petitioner nos.1, 2 and 3 with the deceased, this Court is not inclined to accede to the prayer made on their behalf for grant of anticipatory bail in connection with Kuchai Kote P.S. Case No.159 of 2014 pending in the court of learned Chief Judicial Magistrate, Gopalganj. Accordingly, their prayer for anticipatory bail is rejected. They may surrender in the court below within a period of four weeks and, if they apply for regular bail, then the same shall be considered by the learned court below on its own merits, without being prejudiced by the

present order.

However, so far petitioner no.4 Dashrath Mukhiya @ Dashrath Manjhi is concerned, he is said to be the brother-in-law of the husband of the deceased.

Taking into consideration the aforesaid aspect and further taking into consideration the fact that no specific role is assigned against him for commission of crime in question save and except the offence under Section 201 of the IPC, his 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 no.4 be enlarged on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Kuchai Kote P.S. Case No.159 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) One of the bailors must be government servant or close family member of the petitioner no.4, who will file an affidavit in the court below showing his/her relationship with him,
- (B) if the petitioner no.4 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 his bail, 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 no.4 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 he fails to make pairvi, then the court below shall be at liberty to cancel his bail bond.

(Birendra Prasad Verma, J)

Arvind/-

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