

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17887 of 2015

Arising Out of PS.Case No. -204 Year- 2014 Thana -NAUHATTA District- SAHARSA

- =====
1. Tetar Mukhiya, S/o Makhan Mukhiya
 2. Sanju Devi @ Manju D/o Tetar Mukhiya
 3. Ram Mukhiya, S/o Late Fani Mukhiya
 4. Lakshman Mukhiya, S/o Late Fani Mukhiya
 5. Sanichari Devi, W/o Tetar Mukhiya
 6. Amrendra Mukhiya @ Arben S/o Ram Mukhiya
 7. Samrendra Mukhiya @ Sarben @ Sabrendra Mukhiya S/o Ram Mukhiya
- All R/o Village- Gangapur, P.S.- Nauhatta, District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Adv.
For the State : Mr. Jitendra Kr. Singh No.1(APP)
For the Informant : Mr. Amarnath Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 17-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 147, 149, 504, 323, 324, 307, 448, 380, 354, 325 of the Indian Penal Code and the fact that there was a case of free fight between the agnates as is clearly evident from reading of the two First Information Reports as contained in Annexure-1 & 2 respectively and that there were five persons injured on the side of the petitioners and yet the informant and his family members being made accused in that case have been granted bail by police, this Court would find the petitioners to be also entitled for

privilege of bail on their surrender before the court below.

Therefore, if the petitioners, namely, 1. Tetar Mukhiya, 2. Sanju Devi @ Manju, 3. Ram Mukhiya, 4. Lakshman Mukhiya, 5. Sanichari Devi, 6. Amrendra Mukhiya @ Arben and 7. Samrendra Mukhiya @ Sarban @ Sabrendra Mukhiya, who claim to have no criminal antecedent in paragraph no.3 of this bail application, surrender before court below within a period of four weeks from today, they shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Abdhesh Kumar, Judicial Magistrate, 1st Class, Saharsa in connection with Nauhatta P.S. Case No. 204 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

(i) That the court below shall make verification of criminal antecedent of the petitioners and if it is found that they are accused in any other criminal case, they shall not be granted bail and would be taken into custody but then if there is no criminal antecedent, they will be released on bail.

(ii) That both the bailors will be a close relative 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 address of the petitioners.

(iii) 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 bail on the ground of misuse.

(iv) 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)

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