

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45369 of 2014

Arising Out of PS.Case No. -85 Year- 2014 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Jai Prakash Singh, Son of Raj Kumar Singh, resident of Village- Bamhaur,
P.S.- Sheosagar, Distt.- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. Manti Devi, W/o Awadhesh Ram, resident of Village- Khaira, P.S.-
Sasaram (Darigaon), District- Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate.

For the Opposite Party/s: Mr. D. P. Tiwary (App).

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 14-05-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for committing offence under Sections 406 & 420 of the Indian Penal Code and that the petitioner cannot get away at least of the admitted position that he had received a cheque of Rs. 30,000/- from the complainant and that there is no proof of the petitioner to handing over the grill and other materials against which such payment was made to the petitioner, this Court can give privilege of anticipatory bail to the petitioner if the petitioner, subject to result of the trial, deposits a sum of Rs. 30,000/- payable in the name of the complainant.

That being so, if the petitioner namely Jai Prakash Singh surrenders within a period of four weeks from today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- with two

sureties of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Complaint Case No. 85 of 2014, subject to the following conditions:

- (i) The bail shall be granted to the petitioner on payment of Rs. 30,000/- by way of furnishing a demand draft or bankers' cheque in the name of the complainant by the petitioner which shall be also handed over by the court below to the complainant without any further delay.
- (ii) That both the bailors will be close family relatives 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.
- (iii) 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.
- (iv) 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 his bail

on the ground of misuse.

- (v) 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.

(Mihir Kumar Jha, J)

Sujit/-

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