

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45259 of 2014

Arising Out of PS.Case No. -36 Year- 2014 Thana -MAHILA P.S. District- ARRARIA

Mangan Lal Rajak @ Mangan Rajak son of late Dhani Lal Rajak r/o
village Rahikpur, P.S. Jokihat, District Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.5744 of 2015

Arising Out of PS.Case No. -36 Year- 2014 Thana -MAHILA P.S. District- ARRARIA

Kailash Rajak son of Mangan Lal Rajak, r/o Village Rahikpur, P.S. Jokihat,
district Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 07-05-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against both the petitioners for the offences punishable under Section-304B, 201 and 120B of the Indian Penal Code, Section-4 of the Dowry Prohibition Act and the fact that the petitioner Mangan Lal Rajak is the Father-in-Law and Kailash Rajak is the husband of the deceased, this Court would find the Father-in-Law who has also got no criminal antecedent entitled for grant of privilege of

anticipatory bail. However, the same privilege cannot be extended to Kailash Rajak who is said to be the husband of the deceased.

That being so, the prayer for anticipatory bail of petitioner Kailash Rajak (Cr. Miscellaneous No. 5744 of 2015) is hereby rejected.

If the petitioner, **Mangan Lal, (Cr. Miscellaneous No. 45259 of 2014)** surrenders within a period of four weeks from today, he would be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of **C.J.M. Araria** in connection with **Mahila Police P.S. Case No. 36 of 2014 corresponding to G.R. No. 1767 of 2014**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) 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.

(ii) That both the bailors will be close relative of the petitioner who will give 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 bailor 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 give an undertaking that he will receive the police papers on the given date and be present on the 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 and every date 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)

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