

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23260 of 2015

Arising Out of PS.Case No. -236 Year- 2014 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

1. Gulzar Rai @ Gulzar Roy
2. Ravindra Rai Both Son of Sri Sitlal Rai Resident of village - Dighikhurd,
P.S. Hajipur Sadar, Distt. - Vaishali

... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate.

For the Opposite Party/s : Mr. Ambika Bhagat(Spl. P.P.)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 21-08-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 323, 341, 354, 379 and 504/34 of the Indian Penal Code and Section 3 (1)(x)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, this Court, on finding that the petitioners were neither named in the FIR nor even in the further statement of the informant, whereas in the further statement she had named Prabhu Rai and Nagendra Rai, the two named accused persons who had if at all abused her or become party in her alleged insult and taking into account the previous backdrop and the background of the informant who had lodged a similar case even in past and, for the time being, it is also found that there is no direct connecting material against the petitioners so as to deny them privilege of anticipatory bail specially when they are said to be accused in only one case and that too for a

minor offence, would be inclined to grant privilege of anticipatory bail to the petitioners.

That being so, if the petitioners, namely, Gulzar Rai @ Gulzar Roy and Ravindra Rai surrender before the court below within a period of four weeks from today, they shall be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S.Case No. 236 of 2014; subject to the following conditions:

- (i) That the court below shall verify the criminal antecedent of the petitioners and if it is found that the petitioners are accused in any other case except the present one and Mahua P.S.Case No. 428 of 2014, they shall not be granted bail and shall be taken into custody.
- (ii) That both the bailors will be close family relatives 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 addresses 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 their 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.
- (v) If the petitioners however are found to be accused in more than two criminal cases including the present one, they shall not be granted bail on the strength of this order.

Sujit/-

(Mihir Kumar Jha, J)

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