

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23231 of 2015

Arising Out of PS.Case No. -16 Year- 2010 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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Jalandhar Rai Son of Ram Ekbal Rai resident of village - Sanfulawa, P.S.
Chauki Sanfulawa, District - Bara Nepal

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra, Advocate.

For the Opposite Party/s : Mr. Abhay Kumar No. 1 (App)

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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 against the petitioner for offence under Sections 302, 201, 379/34 of the Indian Penal Code and the admitted position that not only the petitioner was not named in the FIR but even in course of investigation, the police has found the murder of the deceased to be based on circumstantial evidence, this Court, taking into account that the petitioner has also got no criminal antecedent, would find him entitled for grant of privilege of anticipatory bail.

That being so, if the petitioner, namely, Jalandhar Rai surrenders before the court below 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 each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Sikerhana at Motihari East Champara in connection with Ghorasahan P.S. Case No. 16 of

2010; subject to the following conditions:

- (i) 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.
- (ii) That the affidavit shall clearly state that the petitioner is not accused in any other case and if he is, he shall not be released on bail.
- (iii) 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.
- (iv) 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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