

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51275 of 2014

Arising Out of PS.Case No. -123 Year- 2014 Thana -JAMALPUR District- MUNGER

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Shashi Kumar Son of Birendra Prasad R/o Mohalla Keshopur, Dalhatta Chowk, P.S. Jamalpur, District Munger

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.11643 of 2015

Arising Out of PS.Case No. -123 Year- 2014 Thana -JAMALPUR District- MUNGER

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Sunny Kumar Mehta Son of Lal Bahadur Mehta Resident of Mohalla - Railway Quarter No. 775/CD, Daulatpur, Railway Colony, P.S. - Jamalpur, District Munger.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.51275 of 2014)

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Adv.
Mr. Dhananjaya Nath Tiwari

For the Opposite Party/s : Mr. Dasrath Mehta(APP)

(In Cr.Misc. No.11643 of 2015)

For the Petitioner/s : Mr. Pranaya Shanker Sinha, Adv.

For the Opposite Party/s : Mr. Rajendra Pd.Nat(APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 23-07-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for offence under Sections 354, 341, 323, 354(A), 354(B), 354(C), 354(D), 384, 376, 509 of the Indian Penal Code and the materials which have come on record either before filing



of the case or even thereafter including compromise allegedly made as referred in the order-sheet of the learned Sessions Judge while rejecting prayer for anticipatory bail, this Court, by taking into account that the petitioners have got no criminal antecedent and that such dispute at best was a civil dispute, would be inclined to grant privilege of anticipatory bail to the petitioners.

That being so, the petitioners, namely, Shashi Kumar (petitioner in Cr. Misc. No. 51275 of 2014) and Sunny Kumar Mehta (petitioner in Cr. Misc. No. 11643 of 2015) 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/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Munger in connection with Jamalpur P.S. Case No. 123 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 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.

(ii) That the affidavit shall clearly state that the petitioners are not an accused in any other case and if they are, they shall not be released on bail.

(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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