

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45912 of 2015

Arising Out of PS.Case No. -139 Year- 2015 Thana -KHAJEKALLAN District- PATNA

1. Krishna Murari Malakar son of Kapildeo Prasad Resident of Diwan Mohalla, Police Station - Khajekalan, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhanu Pratap Singh, Adv

For the Opposite Party/s : Mr. Renu Kumari(APP)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 02-11-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offences punishable under Sections-323, 354, 379, 376 and 511 of the Indian Penal Code and that the entire genesis of the offence alleged being withdrawal of also criminal case filed by the complainant-informant is found to be false as has been asserted by the petitioner in paragraph no. 11 of this bail application and that the petitioner in fact is a man aged above 60 years and that there was also some sort of dispute for the land, this Court keeping in view that the petitioner has also got no

criminal antecedent would be inclined to grant the privilege of anticipatory bail to the petitioner.

That being so, if the petitioner namely, **Krishna Murari Malakar**, 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 **A.C.J.M., Patna City** in connection with **Khajekalan P.S. Case No. 139 of 2015**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) 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.

(ii) 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.

(iii) 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.

(iv) 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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