

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45877 of 2015

Arising Out of PS.Case No. -329 Year- 2015 Thana -BHABHUA District- BHABHUA (KAIMUR)

- =====
1. Yogendra Bind Son of Late Shiv Murat Bind
 2. Nathuni Bind son of Ram Dayal Bind,
both R/o Village- Akhlaapur (Tola Marai), P.S. Bhabua, District Kaimur
at Bhabua

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Bhanu Pratap Singh(APP)

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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 for offence under Sections 147, 148, 342, 427, 353, 387 and 504 of the Indian Penal Code, this Court will not be inclined to grant privilege of anticipatory bail to the petitioner no.1 on account of having three cases pending against him.

When this Court has expressed its opinion as with regard to not inclined to grant anticipatory bail to the petitioner no.1 on the ground of criminal antecedent, learned counsel for the petitioner seeks permission to withdraw a prayer for anticipatory bail of the petitioner no.1.

That being so, the prayer for anticipatory bail of the

petitioner no.1, namely, Yogendra Bind is dismissed as withdrawn.

As with regard to the petitioner no.2, this Court would find that he has only one criminal case and that too a complaint case pending against him for offence under Sections 341, 323, 504 and 34 of the Indian Penal Code as has been asserted in the supplementary affidavit filed today.

That being so, if the petitioner no.2, namely, Natuhni Bind 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/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Kaimur at Bhabua in connection with Bhabua P.S. Case No. 329 of 2015 (G.R. No. 1454 of 2015), 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 petitioner no.2, who will undertake an affidavit giving genealogy as to how they are related with the petitioner no.2. The bailors will also undertake to inform the court if there is any change in the address of the petitioner no.2.
- (ii) That the affidavit shall clearly state that the petitioner no.2

is not an accused in any other case except the complaint case stated above 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 no.2 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 no.2 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)

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