

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49865 of 2015

Arising Out of PS.Case No. -42 Year- 2015 Thana -SONO District- JAMUI

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Pramod Das Son of gobardhan Das Resident of Village - Matihana, P.S.-
Sono, District - Jamui

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha

For the Opposite Party/s : Mr. Rana Randhir Singh(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 09-11-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under sections 341, 323, 324, 325, 307, 504/34 of the Indian Penal Code and the fact that the allegation against the petitioner of inflicting injury on the mother of the informant though found to be substantiated by way of a simple injury on her eye portion but then this Court keeping in view that the petitioner in the same occurrence is said to have been sustained injury on his head on account of assault allegedly made by the prosecution party, and also keeping in view that the petitioner also has no criminal antecedent and in fact whole incident had taken place on the eve of Holi festival when the informant wanted to enforce his right of easement by way of thoroughfare and that both the sides are also agnates, this Court keeping in view of all the aforesaid

circumstances would be inclined to grant privilege of anticipatory bail to the petitioners though such prayer was strongly opposed by the learned counsel for the informant.

That being so, if the petitioner, Pramod Das, 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 the A.C.J.M., Jamui in Sono P.S. Case No. 42/2015, subject to the following conditions:

(i) That both the bailors will be a 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 he 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)

surendra/-

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