

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40173 of 2014

Arising Out of PS.Case No. -6 Year- 2011 Thana -JAKKANPUR District- PATNA

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Tapeshwar Prasad Sao @ Tapeshwar Sao, son of late Ram Chandra Sao @
Buttan Sao, resident of village Kanchanpur, P.S. Bihta, District Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Asha Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 21-01-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for offence under sections 20/22/24 of the N.D.P.S.Act and the fact that the petitioner's prayer for bail has been rejected thrice by this Court on 17.8.2011, 30.1.2012 and 24.7.2013 as fully described in paragraph no.2 of the application, this Court was not inclined to grant bail to the petitioner but then as after the last rejection of the prayer for bail of the petitioner two co-accused having exactly similar allegation have been granted bail by this Court vide order dated 22.10.2014 in Cr.Misc.No. 40144/2014 (Jai Hind Rai v. the State of Bihar) and the order dated 3.12.2014 in Cr.Misc.No. 39918/2014 (Nageshwar Prasad Sao v. the State of Bihar), whose bail applications were also earlier rejected, this Court would in order to maintain parity direct for release of the



petitioner, Tapeswar Prasad Sao @ Tapeswar Sao, 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 Addl. Sessions Judge VII, Patna in Special Case No.3/2011, Jakkanpur P.S.Case No.6/2011, 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.

surendra/-

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(Mihir Kumar Jha, J)