

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48144 of 2014

Arising Out of PS.Case No. -9 Year- 2009 Thana -ROSERA District- SAMASTIPUR

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Nathuni Roy, Son of Late Jhonti Roy, Resident of village- Bishanpur Aabhi,
P.S.- Khanpur, District- Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.49434 of 2014

Arising Out of PS.Case No. -9 Year- 2009 Thana -ROSERA District- SAMASTIPUR

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Boiku Rai, Son of Late Munni Lal Rai, Resident of Village - Bishunpur
Aami, P.S. - Khanpur, District - Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.48144 of 2014)

For the Petitioner/s : Mr.Uma Shankar Singh
Mr. Krishna Prasad Singh

For the Opposite Party/s : Mr. Uday Chandra Prasad, Addl.P.P.

(In Cr.Misc. No.49434 of 2014)

For the Petitioner/s : Mr. Mukesh Kumar No-1

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, Addl.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 20-02-2015 Heard.

Since both the matters arise out of common police station case, therefore, they have been heard together and are being disposed of by this common order.

The petitioners of both the cases seek bail in a criminal prosecution registered under Sections 302, 120B/34 of the Indian Penal Code as also under Section 27 of the Arms Act.

Taking into consideration the fact that the entire criminal case is based on suspicion and surmises and further taking into consideration the fact that the petitioner Nathuni Roy is in judicial custody since 16.05.2014 and petitioner Boiku Rai is in judicial

custody since 23.08.2014, their prayer for bail is allowed. The petitioners of both the cases, above named, are directed to be released on bail on furnishing bail bond of Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Rosera, Samastipur in connection with Rosera P.S. Case No. 09 of 2009, subject to the conditions that:

- (a) One of the bailors must be either government servant or close family members of the petitioners, who will file an affidavit in the court below showing his/her relationship with the petitioner(s),
- (b) if the petitioners are found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioners, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;
- (c) the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every date, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioners.

Arvind/-

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(Birendra Prasad Verma, J)