

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48218 of 2014

Arising Out of PS.Case No. -494 Year- 2014 Thana -SITAMARHI District- SITAMARHI

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Suresh Rai, Son of Sri Heera Rai @ Heera Lal Rai, resident of village-
Bariyari Tole Lapti, P.S.- Sitamarhi, District- Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Nitya Nand Tiwary, Addl.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 20-02-2015

Heard.

The petitioner seeks bail in a criminal prosecution registered under Sections 302/149 and some other allied offences under the Indian Penal Code.

Taking into consideration the fact that the petitioner is not in the category of assailant of the deceased in the FIR vide Annexure-1 and the co-accused Hira Rai @ Hira Lal Rai with almost similar and identical allegations has already been granted bail by a Bench of this Court by an order dated 07.11.2014 (Annexure-3) passed in Cr.Misc.No.40382 of 2014 and further taking into consideration the fact that the petitioner is in judicial custody since 28.06.2014 and there is no other criminal case except the present one pending against him, his prayer for bail is allowed. The petitioner above named is directed to be released on bail on furnishing bail bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S.Case No.494 of 2014, subject to the conditions that:

- (a) One of the bailors must be government servant or close family members of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (b) if the petitioner is 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 petitioner, 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 petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every date, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

Arvind/-

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