

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49605 of 2014

Arising Out of PS.Case No. -70 Year- 2014 Thana -KORHA District- KATIHAR

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1. Md. Saidur Rahman, Son of Md. Anisur Rahman
2. Md. Israfil, Son of Late Arsad Ali
Both resident of Village - Dahri (Sandalpur), P.S.- Korha, District- Katihar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh
For the Opposite Party/s : Mr. M.K.Nirala, Addl.P.P.
For the Informant : Mr. Amarendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 03-03-2015

Heard.

The petitioners seek bail in a criminal prosecution registered under Sections 302/201/34 of the Indian Penal Code.

It is submitted that the FIR vide Annexure-1 was lodged after eight days of the alleged occurrence and the entire prosecution case is based on suspicion and surmises. It is further submitted that there is no eye witness of the alleged occurrence.

The learned Addl.P.P. appearing on behalf of the State of Bihar and learned counsel appearing on behalf of the informant have opposed the prayer for bail, but have not disputed the aforesaid submissions.

Be that as it may, in the facts and circumstances of the case, the prayer for bail is allowed. The petitioners 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 Chief Judicial Magistrate, Katihar in connection with Korha P.S.Case No.70 of 2014, G.R.No.1183 of

2014, subject to the conditions that:

- (a) Both the bailors of both the petitioners shall be family members, who will file an affidavit in the court below showing his/her relationship with the petitioners,
- (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.

(Birendra Prasad Verma, J)

Arvind/-

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