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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13438 of 2015

Arising Out of PS.Case No. -217 Year- 2014 Thana -MADHUBAN District- EASTCHAMPARAN(MOTIHARI)

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Baleshwar Sahani @ Balashwar Sahni son of Late Raja Sahani, resident of village- Lalbegiya, P.S- Chiraiya, District -East Champaran.

... . Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s : Dr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

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2 25-05-2015 Heard the parties.

The petitioner seeks bail in a criminal prosecution registered under Sections 399, 402 and 414 of the Indian Penal Code and under Section 25 (1-B) (a) 26/35 of the Arms Act.

Taking into consideration the fact that the petitioner was not apprehended on the spot by the police and has been named by co-accused persons as a result of which his name has also been included as an accused in the first information report vide Annexure-1 and further taking into consideration that he is in judicial custody since 21.10.2014, his prayer for bail is allowed. The above named petitioner is ordered to be released on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sikrahana at Motihari, East Champaran in connection with Madhuban P.S.Case No. 217 of 2014, subject to the following conditions:

(A) one of the bailors must be a government servant,

(B) another bailor shall be close family member

or close relation of the petitioner who will file an affidavit in the court below showing his/her relationship with the petitioner,

(C) 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, and

(D) 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 dates, 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)

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