

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30729 of 2014

Arising Out of PS.Case No. -45 Year- 2014 Thana -MUNGER MUFFASIL District- MUNGER

1. Lachhman Mishra Son of Awadh Mishra
2. Malak Kunwar, Son of Late Mahendra Kunwar @ Mahant Kunwar
All R/o Village Fardadih Tola, P.S. Naya Ramnagar, District Munger

.... Petitioners

Versus

The State of Bihar

.... Opposite Partys

Appearance :

For the Petitioner/s : Mr. Suman Kumar Mishra

For the Opposite Party/s : Mr. Nagendra Pd., Addl.P.P

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 14-01-2015 Heard the parties including the learned counsel appearing on behalf of the informant.

The petitioners apprehend their arrest in a criminal prosecution registered for offences under Section 302 of the Indian Penal Code as also under Section 27 of the Arms Act.

It is submitted that the petitioners are not named in the FIR and they apprehend their arrest in view of suspicion raised against them during the course of investigation.

Taking into consideration the fact that the petitioners are not named in the FIR as accused persons, which has been lodged against unknown persons and further taking into consideration the fact that they are men of fair antecedents and no other criminal case is pending against them save and except the present one, their prayer for anticipatory bail is allowed. In the event of their arrest or surrender in the court below within a period of four weeks from today, let the above named petitioners be enlarged on bail on furnishing bail bond of Rs. 25,000/- each with

two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Munger in connection with Muffasil P.S. Case No. 45 of 2014, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and subject to further conditions that:

- (A) One of the bailors must be government servant or close family members of the petitioners, 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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