

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 729 of 2015

- =====
1. Dipak Jha Son of Bhagwat Jha.
 2. Bhagwat Jha Son of Khosal Jha.
 3. Prakash Jha Son of Bhagwat Jha All are resident of Village-Lal Kothi, P.S.-Tatarpur, District-Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Opposite Party/s: Mr. Nityanand (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

02. 09.01.2015

Heard learned counsel for the Petitioners and the State.

The Petitioners are apprehending their arrest in a case registered under Sections 341, 323, 379 and 308/34 of the Indian Penal Code.

Considering the nature of allegations against Petitioner No. 2, Bhagwat Jha, let him be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of four weeks from the date of receipt of the order on furnishing bail bond of Rs. 5,000/- (Five Thousand) with two sureties of the like amount each or any other surety as fixed by the Court to the satisfaction of Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Tatarpur) P.S. Case No. 821 of 2014 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:- (i) That one of the bailors will be a close relative of the Petitioner who will give an affidavit giving genealogy as to how he is related with the Petitioner. The bailor will also undertake to inform the Court if there is any change in

the address of the Petitioner. (ii) That the affidavit shall clearly state that the Petitioner is not an accused in any other case and if he is he shall not be released on bail. (iii) That the bailor shall also state on affidavit that he will inform the court concerned if the Petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse. (iv) That the Petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse. (v) That the Petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

As for Petitioners No. 1 and 3, considering the nature of allegations, I am not inclined to extend the privilege of anticipatory bail to them. The prayer for anticipatory bail is rejected.

Vikash/-

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(Anjana Prakash, J.)