

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18671 of 2015

Arising Out of PS.Case No. -116 Year- 2014 Thana -AGIAUN District- BHOJPUR

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1. Albela Pandit.
2. Gorakh Pandit @ Gorak Pandit.
Both are sons Mahesh Pandit, Resident of Village- Barap Tola, P.S.- Agion
(G), District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Pathak, Advocate.

For the Opposite Party/s : Mr. Manish Kumar-II(APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 16-06-2015

Heard learned counsel for the parties.

Learned counsel for the petitioners has submitted that the petitioner no. 1 has already been arrested and as such this application for anticipatory bail, so far as it relates to petitioner 1, has become infructuous.

That being so, the prayer for anticipatory bail of the petitioner no. 1 is hereby rejected.

Having regard to the nature of allegation against the petitioner no. 2 for offence under Sections 323, 341, 504, 354/34 of the Indian Penal Code and Sections 3(i)(x) of the SC/ST (Prevention of Atrocities) Act and the dispute primarily being with regard to easementary right including access to the house of the petitioner, this Court, by taking into account that the allegation for offence under Section 354 of the Indian Penal Code if at all was only against

petitioner no. 1, would be inclined to grant privilege of anticipatory bail to the petitioner 2, who claims to have no criminal antecedent.

That being so, if the petitioner no. 2, namely, Gorakh Pandit @ Gorak Pandit surrenders before the court below within a period of four weeks from today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Agion (G) P. S. Case No. 116 of 2014 subject to the following conditions:

- (i) That both the bailors will be close family relatives of the petitioners, who will undertake an affidavit giving genealogy as to how they are related with the petitioner no. 2. The bailors will also undertake to inform the court if there is any change in the address of the petitioner no. 2.
- (ii) That the court below shall make verification of criminal antecedent of the petitioner no. 2 and if it is found that he is accused in any other criminal case, he shall not be granted bail and would be taken into custody.
- (iii) That the affidavit shall clearly state that the



petitioner no. 2 is not accused in any other case and if he is, he shall not be released on bail.

- (iv) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner no. 2 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 his bail on the ground of misuse.
- (v) That the petitioner no. 2 will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

Sujit/-

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