

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18692 of 2015

Arising Out of PS.Case No. -758 Year- 2011 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

=====

Bijay Sah, S/o- Shyam Sah, Resident of Village- Warsaliganj, P.S.-
Babarganj (Mozahidpur), District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Mukesh Kumar, S/o Late Akhil Sharma R/o Moh- Morufchak, P.S-
Mojahidpur, Dist-Bhagalpur

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shyam Kishor Das, Advocate.

For the Opposite Party/s : Mr. Nirmal Kr. Sinha(App)

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 16-06-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for offence under Sections 419, 420, 468 and 120B/34 of the Indian Penal Code and the admitted position that the petitioner was only a witness to the execution of an agreement for sale and the parties thereafter to the agreement have compromised the matter, this Court, keeping in view that the co-accused Naresh Mandal has already been granted privilege of anticipatory bail by an order dated 19.12.2014 in Cr. Misc. No. 25005 of 2014, would be inclined to grant privilege of anticipatory bail also to this petitioner specially when he has got no criminal antecedent.

That being so, if the petitioner, namely, Bijay Sah 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, Bhagalpur in connection with Complaint Case No. 758 of 2011, subject to the following conditions:

(i) That both the bailors will be close family relatives of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors 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 accused in any other case and if he is, he shall not be released on bail.

(iii) That the bailors shall also state on affidavit that they 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 his bail on the ground of misuse.

(iv) That the petitioner 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/-

U			
---	--	--	--